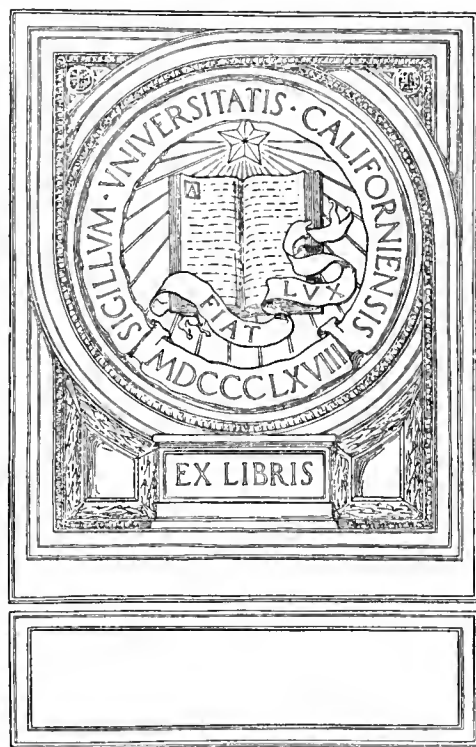


YH 2011









T. 1st

distributed to the...

Old in new...  
Only at the...

Minor theater...  
better than...

2 reasons for...

No longer can...

late...

large...  
and now...

Dowling - actor 40 yrs - greatly...

Concern about theater...  
attempt to please...

great drama...

p. 94 - Novelty...

copyright...

actor star...

attracted...

Everything...

cheap...

introduction...

attempt to...

etc

Worms...

introduction...

one approach to solving...

was let... + emphasized...

but culture...

+ frequent...





Digitized by the Internet Archive  
in 2008 with funding from  
Microsoft Corporation

Let Post Collection be removed  
on Dramatic Literature

# R E P O R T

FROM THE

SELECT COMMITTEE

ON

UNION OF  
... VIRGINIA

**DRAMATIC LITERATURE:**

*WITH*

**THE MINUTES OF EVIDENCE.**

---

---

*Ordered, by The House of Commons, to be Printed,  
2 August 1832.*

---

---

1932

908  
G7868  
re

---

*Jovis, 31<sup>o</sup> die Maii, 1832.*

---

*Ordered,*

THAT a Select Committee be appointed to inquire into the State of the Laws affecting Dramatic Literature:—And a Committee was appointed of

Mr. Edward Lytton Bulwer.

Mr. Lamb.

Earl of Belfast.

Mr. Shiel.

Mr. Galley Knight.

Mr. Stanhope.

Mr. John Stanley.

Mr. Ellice.

Mr. Evelyn Denison.

Lord Porchester.

Mr. Lennard.

Mr. Mackinnon.

Mr. Gillon.

Mr. William Brougham.

Mr. Alderman Waithman.

Mr. Jephson.

Colonel De Lacy Evans.

Mr. John Campbell.

Mr. Henry Bulwer.

Mr. Duncombe.

Lord John Russell.

Sir Charles Wetherell.

Sir George Warrender, Bart.

Lord Viscount Mahon.

And they are to meet To-morrow, in The Speaker's Chamber; and to have Power to send for Persons, Papers and Records.

*Ordered,* That Five be the Quorum of the Committee.

---

See  
coll  
- Purchase

## R E P O R T.

THE SELECT COMMITTEE appointed to inquire into the LAWS affecting DRAMATIC LITERATURE, and to whom several Petitions presented to The House, in the present Session, relative to DRAMATIC ENTERTAINMENTS, were referred, and who were empowered to report their Observations thereupon, together with the MINUTES OF THE EVIDENCE taken before them, to The House ;— HAVE agreed to the following REPORT :

IN examining the state of the LAWS affecting the interests and exhibition of the Drama, Your Committee find that a considerable decline, both in the Literature of the Stage, and the taste of the Public for Theatrical Performances, is generally conceded. Among the causes of this decline, in addition to those which have been alleged, and which are out of the province of the Legislature to control, such as the prevailing fashion of late dinner hours, the absence of Royal encouragement, and the supposed indisposition of some Religious Sects to countenance Theatrical Exhibitions, Your Committee are of opinion, that the uncertain administration of the LAWS, the slender encouragement afforded to Literary Talent to devote its labours towards the Stage, and the want of a better legal regulation as regards the number and distribution of Theatres, are to be mainly considered.

2. In respect to the Licensing of Theatres, Your Committee are of opinion, that the LAWS would be rendered more clear and effectual by confining the sole power and authority to license Theatres throughout the Metropolis (as well as in places of Royal Residence) to the Lord Chamberlain ; and that his—the sole—jurisdiction, should be extended twenty miles round London (that being the point at which Magistrates now have the power of licensing Theatres for the legitimate Drama). And as Your Committee believe that the interests of the Drama will be considerably advanced by the natural consequences of a fair competition in its Representation, they recommend that the Lord Chamberlain should continue a Licence to all the Theatres licensed at present, whether by himself or by the Magistrates. Your Committee are also of opinion,

partly from the difficulty of defining, by clear and legal distinctions, "the Legitimate Drama," and principally from the propriety of giving a full opening as well to the higher as to the more humble orders of Dramatic Talent, that the Proprietors and Managers of the said Theatres should be allowed to exhibit, at their option, the Legitimate Drama, and all such Plays as have received or shall receive the sanction of the Censor.

3. Your Committee believe that the number of Theatres thus licensed (although they might be more conveniently distributed) would suffice for the accommodation of the Public, in the present state of feeling towards Theatrical Performances, and also for the general advantages of competition; at the same time, as Theatres are intended for the amusement of the Public, so Your Committee are of opinion that the Public should have a voice in the number of Theatres to be allowed. And Your Committee would therefore respectfully submit to the House, that if a Requisition, signed by a majority of the Resident Householders in any large and populous Parish or District, be presented to the Chamberlain, praying for his Licence to a new Theatre in the said Parish or District, the Chamberlain should be bound to comply with the Public wish. Your Committee are of opinion, that all abuse in the exercise of the Licence thus granted, would be effectually prevented, by leaving to the Chamberlain the power of applying to the Home Department for the summary suppression of any Theatre which may notoriously have outraged the conditions of its License, or the rules of Public decorum.

4. Your Committee would also recommend, that the Chamberlain should possess the same power for the summary suppression of any Theatre, exhibiting any sort of Dramatic Representation without the sanction of his Licence; considering, that as the Public can procure the Licence if it approve the Theatre, so any Theatre not licensed would probably not be less opposed to the desire of the Public than to the provisions of the Law.

5. With respect to the Licensing of Plays, Your Committee would advise, in order to give full weight to the responsibility of the situation, that it should be clearly understood that the office of the Censor is held at the discretion of the Lord Chamberlain, whose duty it would be to remove him, should there be any just ground for dissatisfaction as to the exercise of his functions. Your Committee would recommend some revision in the present system of Fees to the Censor, so (for instance) that the Licence of a Song and the Licence of a Play may not be indiscriminately subjected to the same charge; and this revision is yet more desirable,



desirable, in order to ascertain whether, in consequence of the greater number of Plays which, by the alterations proposed by Your Committee, would be brought under the control of the Censor, some abatement in the Fees charged for each might not be reasonably made, without lessening the present Income of the Licencer.

6. In respect to the exclusive privileges claimed by the two Metropolitan Theatres of Drury Lane and Covent Garden, it appears manifest that such privileges have neither preserved the dignity of the Drama, nor, by the present Administration of the Laws, been of much advantage to the Proprietors of the Theatres themselves. And Your Committee, while bound to acknowledge that a very large sum has been invested in these Theatres, on a belief of the continuation of their legal monopoly of exhibiting the Legitimate Drama, which sum, but for that belief, would probably not have been hazarded, are nevertheless of opinion, that the alterations they propose are not likely to place the Proprietors of the said Theatres in a worse pecuniary condition than the condition confessed to under the existing system.

7. In regard to Dramatic Literature, it appears manifest that an Author at present is subjected to indefensible hardship and injustice; and the disparity of protection afforded to the labours of the Dramatic Writer, when compared even with that granted to Authors in any other branch of Letters, seems alone sufficient to divert the ambition of eminent and successful Writers from that department of intellectual exertion. Your Committee, therefore, earnestly recommend that the Author of a Play should possess the same legal rights, and enjoy the same legal protection, as the Author of any other literary production; and that his Performance should not be legally exhibited at any Theatre, Metropolitan or Provincial, without his express and formal consent.

8. By the regulations and amendments thus proposed in the existing system, Your Committee are of opinion that the Drama will be freed from many present disadvantages, and left to the fair experiment of Public support. In regard to Actors, it is allowed, even by those Performers whose Evidence favours the existing Monopoly, that the more general exhibition of the regular Drama would afford new schools and opportunities for their art. In regard to Authors, it is probable that a greater variety of Theatres at which to present, or for which to adapt, their Plays, and a greater security in the profits derived from their success, will give new encouragement to their ambition, and, perhaps (if a play is never acted without producing some emolument to its Writer) may direct their attention to the more durable, as being also the more lucrative, classes of

Dramatic Literature ; while, as regards the Public, equally benefited by these advantages, it is probable that the ordinary consequences of Competition, freed from the possibility of licentiousness by the confirmed control and authority of the Chamberlain, will afford convenience in the number and situation of Theatres, and cheap and good Entertainment in the Performances usually exhibited.

*July* 1832.

---

---

MINUTES OF EVIDENCE.

---

## LIST OF WITNESSES.

<i>Mercurii, 13° die Junii, 1832 :</i>				Mr. William Charles Macready	-	p.	132
Thomas Baucott Mash, Esq.	-	-	p.	Mr. David Edward Morris	-	p.	136
Mr. James Winston	-	-	p.	<i>Veneris, 29° die Junii, 1832 :</i>			
<i>Veneris, 15° die Junii, 1832 :</i>				Mr. Thomas Morton	-	p.	142
Mr. John Payne Collier	-	-	p.	Mr. Thomas Potter Cooke	-	p.	146
Mr. William Dunn	-	-	p.	Mr. David Edward Morris	-	p.	149
<i>Lunæ, 18° die Junii, 1832 :</i>				Mr. Douglas Jerrold	-	p.	156
Mr. John Payne Collier	-	-	p.	Mr. Edmund Lenthall Swifte	-	p.	162
Mr. Charles Kemble	-	-	p.	<i>Lunæ, 2° die Julii, 1832 :</i>			
Mr. Samuel James Arnold	-	-	p.	Mr. Charles Mathews	-	p.	166
<i>Mercurii, 20° die Junii, 1832 :</i>				Mr. Eugene M'Carthy	-	p.	174
George Colman, Esq.	-	-	p.	Mr. W. Thomas Moncrieff	-	p.	175
Mr. William Dunn	-	-	p.	Mr. George Bartley	-	p.	180
Mr. George Bolwell Davidge	-	-	p.	<i>Martis, 3° die Julii, 1832 :</i>			
<i>Veneris, 22° die Junii, 1832 :</i>				George Rowland Minshull, Esq.	-	p.	187
Mr. George Bolwell Davidge	-	p.	79	Mr. John Poole	-	p.	191
Mr. Edmund Kean	-	-	p.	Mr. Richard B. Peake	-	p.	193
Mr. William Dowton	-	-	p.	Mr. William Henry Settle	-	p.	194
Mr. John Braham	-	-	p.	Mr. John Ogden	-	p.	197
Mr. David Osbaldiston	-	-	p.	<i>Martis, 10° die Julii, 1832 :</i>			
Captain John Forbes	-	-	p.	Thomas Halls, Esq.	-	p.	199
<i>Lunæ, 25° die Junii, 1832 :</i>				Mr. Francis Place	-	p.	205
Captain John Forbes	-	-	p.	Mr. Richard Malone Raymond	-	p.	209
Mr. Thomas James Serle	-	-	p.	William Wilkins, Esq.	-	p.	209
<i>Mercurii, 27° die Junii, 1832 :</i>				Mr. George Bolwell Davidge	-	p.	214
Mr. Thomas James Serle	-	-	p.	Mr. J. R. Planchè	-	p.	214
Mr. Peter Francis Laporte	-	-	p.	<i>Jovis, 12° die Julii, 1832 :</i>			
Samuel Beazley, Esq.	-	-	p.	Mr. Thomas Morton	-	p.	216
				Mr. William Moore	-	p.	223
				Mr. James Kenney	-	p.	226
				Mr. E. W. Elton	-	p.	232

# MINUTES OF EVIDENCE.

*Mercurii, 15<sup>o</sup> die Junii, 1832.*

EDWARD LYTTON BULWER, ESQ.

IN THE CHAIR.

*Thomas Baucott Mash, Esq. called in ; and Examined.*

1. WHAT is the office you hold under the Lord Chamberlain ?—Comptroller of the department. *T<sup>r</sup> Baucott Mash,  
Esq.*

2. The chief powers, I think, under which the Lord Chamberlain acts are those granted in the 10th of George the 2d ?—Yes. 13 June 1832.

3. Generally called Sir Robert Walpole's bill ?—I cannot say.

4. Previous to that time do you consider the Lord Chamberlain had any precise authority for licensing theatres, or that the Master of the Revels had ?—The Master of the Revels, I consider, was an officer under the Lord Chamberlain, and acted under his directions, but the licensing of the theatres was always with the Lord Chamberlain.

5. Do you conceive that was the case when the three original companies were set up ; I mean the three companies called the Red Bull, the theatre in Salisbury-court, and the theatre in the Cock-pit, Drury-lane ?—I do not recollect the period.

6. That is about 1660, I believe ?—We have got a great number of references in the Lord Chamberlain's office from theatres at that period, where they had disputes and questions, and it appears that they were always referred to the Lord Chamberlain for his decision, and his decision was final.

7. I am not aware what Lord Chamberlain there was at that time ? Was Sir Henry Herbert Master of the Revels ?—I do not know. If I had been aware of the questions you wished to put to me I would have come down with papers which would have given information, and have shown you that the Lord Chamberlain was looked up to as a controlling officer, under his Majesty of course.

8. In that case I can hardly see, if the Lord Chamberlain was supposed at that time to have such clear, defined and legal authority, what was the use of Sir Robert Walpole's bill, for that gave him no more power than he possessed before ?—He possessed that power before, on any occasion when he thought they were improperly acting.

9. By the Act of Anne, c. 23, s. 12, he had the power of taking up, as rogues and vagabonds, every person who attempted to act without letters patent from the King or a licence from the Lord Chamberlain. That was by the 12th of Anne ?—That is repealed as far as goes to taking them up as rogues and vagabonds, but there is a penalty of 50*l.* imposed instead.

10. I think it will be found that in 1773 there were at that time Covent Garden, Drury Lane, a theatre in Lincoln's Inn, a theatre in the Haymarket, and a theatre in Goodman's Fields, performing not only the drama, but the regular drama ; how was that ?—I am not able to say anything about Goodman's Fields or Lincoln's Inn, being out of the liberties of Westminster.

11. Is it solely from the rights claimed by the patent theatres that those theatres usually called minor theatres, and not placed within the city of Westminster, are attempted to be put down : the Lord Chamberlain never attempts to interfere ?—No, he interferes with nothing without the liberties of Westminster. He con-

*T. Baucott Mash,*  
Esq.

13 June 1832.

siders all theatres without the liberty of Westminster belong to the jurisdiction of the Secretary of State for the Home Department.

12. The Chamberlain has jurisdiction over the whole kingdom, I believe?—As far as regards the pieces to be performed.

13. Will you be so good as to state the number of theatres now within the city of Westminster in which dramatic representations take place, and the authorities under which those dramatic representations are performed?—There is one theatre now within the liberty of Westminster without any authority at all, in direct defiance of the Lord Chamberlain.

14. Will you state those that are acting?—I have a statement here.

[The Witness delivered in a paper, purporting to be a copy of the licences to all the theatres within the city of Westminster, under the authority of the Lord Chamberlain.]

15. What are the powers claimed by the Lord Chamberlain relative to licensing or refusing to license theatres?—The powers claimed by the Lord Chamberlain are under the authority of the Act, and he exercises that power by granting his licences.

16. What powers are given him by the Act?—That of licensing the theatres.

17. What is the practical power which he claims under that Act?—The power of granting licences.

18. To what theatres?—To the theatres within the liberty of Westminster, for the performance of the regular drama.

19. Has the Lord Chamberlain the power of granting a licence to play the legitimate drama at the Adelphi and the Olympic?—I presume he has that power, not of himself, but of the King.

20. But has he the power?—I should conceive he would not take upon himself to do it without the consent of the King. The minor theatres are restricted to the performance merely of burlettas and those sort of entertainments, and are not allowed to perform the regular drama. There have been several applications for leave to play the regular drama, which have been refused.

21. By what authority is the King enabled to give that power?—By the Act of Parliament the King may grant what licences His Majesty pleases within the liberty of Westminster.

22. The Act does not specify whether the legitimate drama shall be performed or not?—It specifies for the entertainment of the stage.

23. What power does the Lord Chamberlain claim?—Granting licences to theatres within the liberty of the city of Westminster.

24. Does he claim any further power?—I am not aware of any other power but that of restricting other performances, restricting any other theatre from performing without a licence; but such theatre opening is liable to a penalty, and liable to an information from any person as well as from the Lord Chamberlain. It is not for the Lord Chamberlain alone to lay an information, any person may do it as well.

25. What is the nature of the licence which he grants to the theatres within the city of Westminster?—I have delivered in the paper of particulars.

26. State generally what the licence is to do; state generally the nature of the licence that he gives?—To authorise the performance.

27. The performance of what?—For the entertainment of the stage.

28. All theatrical exhibitions?—Yes.

29. Whether they are the regular drama or not?—Yes; any theatrical entertainment; any entertainment of the stage.

30. Does the Lord Chamberlain claim a censorship over theatrical exhibitions?—Out of the liberties of Westminster he does not, for the performance, but for the piece that is performed.

31. Does he claim a censorship over pieces that are acted in the country?—Decidedly, under the Act of Parliament; the same Act of Parliament authorises him to do that.

32. Generally, throughout England?—Generally, throughout England.

33. Does that power extend to Scotland and Ireland?—I should suppose it did; or at least it extends in this way, that a person performing such piece without being licensed by the Lord Chamberlain is liable to the penalty.

34. Has

34. Has he any power over the Coburg theatre?—None; only that they could not perform anything that has not been performed by the regular theatres or licensed by the Lord Chamberlain.

*T. Baucott Mash,  
Esq.*

13 June 1832.

35. Who licenses the theatre at Liverpool?—The King.

36. Can the Lord Chamberlain prohibit a piece being acted at the Coburg theatre, if it is seditious?—I conceive he cannot, because it is out of the liberties of Westminster; but I believe that the persons performing that piece are liable to a penalty for not being licensed.

37. Do you not know that at the Coburg theatre fees have been taken by the censor for licensing the theatre?—I am not able to answer that question.

38. The Olympic has been licensed by the Lord Chamberlain?—Yes; that is within the liberty of Westminster.

39. And in the Borough there is another theatre?—These are out of his jurisdiction.

40. The Lord Chamberlain, then, claims no executive authority in stopping performances of pieces which he has not licensed?—I am not aware that he does, without the liberties of Westminster.

41. The Act authorises him to license such pieces for performance of the stage as he may think proper and right, and I suppose any person assuming to act without such authority is liable to the penalty?—It is not necessary that the Lord Chamberlain should take upon himself to attempt to restrict the performance, for the theatre would, in such a case, be open to an information by any other person.

42. State the Acts which impose penalties on persons who shall perform theatrical pieces of any description without a licence?—The same Act, the 10th Geo. 2.

43. In your knowledge, or in your experience, has the Lord Chamberlain ever licensed any of the minor theatres within the liberty of Westminster to perform the regular drama?—Never.

44. Do you conceive he has the power to license any minor theatre for the performance of the regular drama?—I cannot take upon myself to say he has the power; he probably might conceive he had the power, but if he asked my opinion I should recommend him to go to the King first.

45. I understood you to say a little while ago, that he had the power to license any theatre within the liberties of Westminster for the performance of entertainments of the stage?—Yes.

46. What do you include under that denomination?—I was confining myself to the Lord Chamberlain's power in granting licences for minor entertainments; but I should recommend to the Lord Chamberlain, in case of an application to him for a licence to perform the regular drama, not to grant it without first submitting it to His Majesty and getting the approbation of the King.

47. In your opinion the power of the Lord Chamberlain does not extend to the granting of licences to perform the regular drama, except in the large theatres?—I conceive that the Lord Chamberlain must be considered to have, and is supposed to have, the King's authority in all cases.

48. Cannot he license a theatre for the performance of burlettas without the King's permission?—It is always understood to be with the King's permission.

49. Then I am to understand that he derives his power from two sources; and not only from the Act of Parliament which you stated, and which says nothing about his being a delegate of the King?—The Lord Chamberlain is the servant of the King, and it is not to be supposed that he would go by that Act, and authorise any entertainment of the stage contrary to the King's wish.

50. Do you suppose he had the power if he wished it?—Upon my honour I should conceive his power is derived from the King, and that, as he is the servant of the King, I conceive the Chamberlain is responsible to the King.

51. Is it the Chamberlain or the King that is mentioned in the Act; is it the Chamberlain that the Act states has that power, or the King?—The King or the Chamberlain.

52. Will you state to the Committee what the powers of the Lord Chamberlain are in your opinion?—My opinion is that they are the powers that he derives from the King.

T. Baucott Mash,  
Esq.

13 June 1832.

53. That is not an answer to the question?—The Act requires that the performances shall be by the King's letters patent, or by licence of the Lord Chamberlain; but the licence of the Lord Chamberlain is granted by the King's permission.

54. Has the Lord Chamberlain the power to give a licence to erect a theatre to perform the regular drama, or to perform burlettas, or dancing or singing only?—He has been in the habit of granting those licences for the minor theatres, without making direct application to the King; but he would not grant a licence for the regular drama without the approbation of the King.

55. The licence you allude to is a licence to do what?—To perform such things as are performed at the Adelphi and Olympic.

56. When the licence was given to Mr. Arnold, it was described as a licence to do what?—It is described in the licence what they are authorised to perform.

57. And do those licences include the performance of the regular drama?—No.

58. Have they ever?—No, never, except in the Haymarket theatre.

59. Could he license the Adelphi, which is within the liberties of Westminster, to perform Richard III.?—I am really not able to answer that question; I am unable to say whether he could or not; I only mean to say that hitherto all applications made to the Lord Chamberlain for that purpose have been resisted and refused. I do not tell you whether the Lord Chamberlain has come to that determination from feeling that he has not the power to do it, or from feeling that it was improper to do it. I think he is amenable to the King for every act he does.

60. Though you say the Lord Chamberlain possessed, previous to Sir Robert Walpole's bill, the power of licensing the theatre, are you aware that the Lord Chamberlain, or rather the Master of the Revels whom he deputed, had several suits at law for the suppression of one, and that he entirely failed to support his claim?—No, I do not know it. I suppose the Master of the Revels was the servant of the Lord Chamberlain, but I do not speak to that fact.

61-2. You say there are three Acts from which the Lord Chamberlain's power is derived: first the Act of 10 Geo. 2; secondly, the 25 Geo. 2; and thirdly, the 28 Geo. 3, c. 30. Now by the 10th Geo. 2, the principal Act, I find here it is said, "that the Lord Chamberlain shall, as he thinks fit," &c. Now I want to ask you whether you consider that this Act, where it gives to the Lord Chamberlain the power of prohibiting, gives him the power to grant licences (for I do not perceive it in the Act) without the liberty of Westminster?—No; the Lord Chamberlain has no power, without the liberty of Westminster, to grant licences for any entertainment of the stage whatever, except where His Majesty resides; he never did exercise any authority of the kind.

63. It is said here, "that if any person shall perform for hire or reward any interlude," &c.: you are aware, of course, that that Act has been constantly evaded, and that persons have performed for hire or gain, not taking money at the doors, but by other means, so that they have evaded that statute?—It may have been done in that way, and there is one theatre in the Strand where they do not take money at the doors, and they are acting without any authority from the Lord Chamberlain; but I am of opinion that that would not protect them against any information.

64. Suppose any person chose to perform a play for gain or reward, he would be liable to a penalty of 50 l.?—Yes, for a play not having been authorised by the Lord Chamberlain. If the piece is performed without the authority of the Lord Chamberlain, the parties are liable to a penalty.

65. Though the Act says, "for hire, gain or reward," yet if they act for nothing still they are liable to penalties?—No; if they act at a private theatre for nothing, or anywhere else, they are not liable. I do not think the Lord Chamberlain could interfere in any private theatre.

66. Are you aware, for instance, that four of the Kembles once acted together, Mrs. Siddons being at that time the heroine, (I think it was at Wolverhampton), and no money was taken at the door, but a play-bill was handed about with "*Nota bene*, no money taken at the door, but Mr. So-and-so (naming the performer) has a very excellent tooth-powder at 2 s. 1 d. a box." And that tooth-powder was purchased and considered as a ticket. That is not a solitary instance to show that in that manner the Act has been successfully evaded?—I am not aware of anything of the kind.

67. Now



67. Now what do you consider to be the interpretation of a burletta?—It is, strictly speaking, recitative and song. *T. Baucott Mash, Esq.*

68. Tom Thumb, for instance?—That is said to be a burletta, but has not been performed in recitative; and Elliston tried the question with regard to burlettas, and beat the regular theatres.

13 June 1832.

69. Does burletta include dancing?—No, dancing is given besides. The licence gives the performance of dancing, music, and anything of that kind. It is described in the licence; the licence itself expresses what they may do.

70. What is now performed at the Olympic theatre; is there anything you can consider to be an equivocation of the term burletta?—They are performing there little trifling pieces that used to be in recitative, but they do not, I believe, now even touch an instrument, which they did formerly.

71. In short, you mean a farce, or anything performed in three acts. All translations from the French are burlettas?—Yes, it is an entertainment of the stage.

72. Are you aware that the minor theatres ever violate their licence?—Yes, in my opinion; but there is a difference of opinion with regard to what is a burletta.

73. What in your opinion is a burletta?—Recitative and music.

74. Do the minor theatres ever violate that contract?—They have not performed of late years in recitative.

75. Then according to your opinion of burletta, the minor theatres have, and do, violate their licences?—In my interpretation of the word, burletta certainly signifies, strictly speaking, recitative and song, as far as my own opinion goes.

76. I understand that you, acting in your office under the Lord Chamberlain, and being so practically acquainted with the workings of that office, consider that the authority of the Lord Chamberlain is so indistinctly defined that he cannot say whether he has the power or not to grant a licence to perform the regular drama?—I believe the Act of Parliament may give him that authority; but I consider the Lord Chamberlain would be cautious how he proceeded further than as the servant of the King.

77. I ask, has he the power by the Act, or by anything else, to grant the performance of the legitimate drama, at as many places as he pleases within the city of Westminster?—I consider he has power by the Act; for the Act says nothing to the contrary.

78. I understand you to be of opinion that the Lord Chamberlain can allow the legitimate drama to be performed anywhere within the liberties of Westminster?—I conceive the Act gives him the power to do so.

79. If you consider that the Lord Chamberlain has the power of granting a licence for performing the legitimate drama, which you say you do conceive he has, do you conceive he can grant it to any places he pleases in the city of Westminster, or where the King resides?—If he has the power he can, of course.

80. How many years have you been in the Lord Chamberlain's office?—Forty-three years.

81. Supposing he was to give a licence for the legitimate drama to be played in any minor theatre, would it be a violation of the right of the patent theatres; would it be an infringement upon their patent, in your opinion?—I consider the Lord Chamberlain possesses the power without any consideration of their patent.

82. Would they have any reason to complain?—They might conceive they had a right to complain.

83. Do you think the patent theatres would have any cause to complain, supposing the Lord Chamberlain was to license the Adelphi theatre to play the regular drama?—I should think they would have a just cause of complaint, because it would be an infringement upon their patent.

84. You said just now that the patent theatres have no licence from the Lord Chamberlain?—Covent Garden theatre is acting under the Davenant patent.

85. Are not the patent theatres licensed every 21 years?—All, except Covent Garden.

86. Drury Lane is?—Drury Lane is licensed every 21 years.

87. The minor theatres receive an annual licence?—Yes; and also the Haymarket and the Italian Opera House.

88. What fees are paid by minor theatres on their annual licences?—Thirteen guineas for the whole season, for the theatres within the liberties of Westminster;

*T. Baucott Mash,*  
Esq.

13 June 1832.

for licences at Brighton, Windsor and Richmond, the fees are 5*l.* 10*s.* for the season.

89. On what authority do you make them pay that?—Custom immemorial.

90. Has it always been 13 guineas?—Certainly ever since I can remember, and long before I was in the office.

91. If a concert or anything of that kind takes place, you charge a fee for that?—That is 2*l.* 10*s.*

92. For the night?—Yes.

93. Upon what authority do you do that?—The same authority.

94. Custom?—Custom immemorial.

95. What becomes of those fees?—They are divided among the officers of the Chamberlain's department, according to their particular situations.

96. And do they go towards the salaries of the officers, or are they perquisites of the office?—They are perquisites of the office.

97. You have salaries besides, have you?—Yes; it would be a very bad thing if we had not.

98. How far back have you proof of 13 guineas being paid?—I should suppose as far back as anything we can show with respect to the licence.

99. Do you mean, proof of that exact sum being paid so far back as that?—I cannot answer as to that being the exact sum so far back as that, but I can speak of it for the last 40-odd years.

100. Yet you feel authorised to demand more?—No, no more than the regular established fee.

101. Do you ever remember instances of the Lord Chamberlain licensing an individual to perform the regular drama for a benefit?—I believe there have been two or three instances of it at the English Opera House, for one night only; at the Haymarket theatre it has been done frequently formerly.

102. Does the patent contain a prohibition or an exclusive right, not merely a right granted to represent the regular drama, but does it express clearly that no other theatre except Covent Garden is to have that right?—I do not think it prohibits anything.

103. It merely gives permission to perform it?—It merely gives permission to perform it.

104. Then in fact the Lord Chamberlain or the magistrates have reserved to themselves a right to permit the regular drama to be performed in any place within the liberties of Westminster, or where His Majesty resides?—Yes, the Lord Chamberlain; the magistrates have no power.

105. Then the claim set up by the two theatres is merely a claim founded on usage, that the Chamberlain has usually admitted them to have an exclusive right, but there is nothing of that kind in their patents?—I do not know that it is mentioned in their patents; the patent does not exclude any other theatre from being open for the regular drama.

106. Then the refusal is merely discretionary?—There is nothing in the two patents which prevents the King from granting letters patent and the Lord Chamberlain from granting licences.

107. Then there is no foundation at all for those complaints made by the regular drama that their patent rights have been invaded, when they hear of the regular drama being represented in a minor theatre?—Nothing more than that it is an infringement upon that right of theirs which they have enjoyed for so many years.

108. But it is no right at all, it is merely a change of custom?—It is from custom

109. And they have got a right to complain of a change of custom, but not of a right?—There is nothing in the patent that restricts any other person from performing the regular drama; I should conceive there is nothing, I do not recollect anything. I have no hesitation in saying there is nothing in either of those patents, the Killigrew patent, the Davenant patent, or the other patent, that restricts the King or the Lord Chamberlain from granting licences to perform the regular drama.

110. Then those patents are not monopolies?—Perhaps they cannot be called monopolies at all.

111. The right usually set up under the term patent rights, is totally fallacious then, and they have no patent right which justifies them in claiming of the Lord Chamberlain

Chamberlain to prohibit the performance of the regular drama in any other theatre : if I understand you, there is no foundation for that ?—I beg pardon ; the Lord Chamberlain has the power of prohibiting.

*T. Baucott Mash,*  
Esq.

13 June 1832.

112. I do not speak of his power, but of the claim which is made when the regular drama is performed at a minor theatre ; they say, “ this is an invasion of our patent rights : ” is it an invasion of their patent rights ; is there anything in their patent to bear them out in that ?—I do not recollect anything in the patent itself.

113. If they said, “ these people are violating the privilege you granted to them,” they would be right ; but they are not correct when they say that their patent rights are violated, because they have no patent rights of an exclusive or prohibitory nature ?—I should conceive so ; I do not know upon what ground they state that that those patent rights have been invaded.

114. Then you must have an opinion that their statements upon that subject have no foundation at all ?—I must first hear what their statements are.

115. In point of fact, has the regular drama, that is tragedy and comedy, been performed under a licence from the Lord Chamberlain within the city of Westminster at various times, and not at either of the regular theatres ; has it been done at other places different from the regular theatres : the object of the question is to know whether a licence has not been granted for a benefit to an individual, to have a regular drama performed in any different theatre from the regularly established theatres ?—To the best of my recollection I think in one or two instances something of the kind has been done at the English Opera House.

116. If the Lord Chamberlain has in one or two instances done this when applications have been made to him from various quarters, do you conceive it to be in the discretion of the Lord Chamberlain so to grant a licence for the performance of the regular drama ?—Certainly.

117. Then you necessarily are of opinion that if he could do so in one or two instances, which might be extended to eight or ten, the Lord Chamberlain has power to grant a licence for the performance of the regular drama within the city of Westminster ?—Yes, I conceive he has.

118. In point of fact, at Brighton the regular drama is performed under the licence of the Lord Chamberlain ?—Certainly.

119. And the same at Windsor ?—Yes.

120. The sum then of your statement is this, that at Windsor, at Brighton, and in various other instances within the city of Westminster, the regular drama has been performed under a licence from the Lord Chamberlain, without reference to that regular drama being so performed either at any of the patent theatres, or at any other particular theatre, but that the authority of the Lord Chamberlain so given has enabled the parties to perform it at any place within the city of Westminster ?—Yes, that is so. I forgot, at the moment when I mentioned that there were one or two instances at the English Opera House, to state that at the Italian Opera a licence has been given for an individual benefit for one night.

121. In referring so often to the authority of the King, I apprehend you to mean this, that the Lord Chamberlain would decline, without a direct communication with His Majesty, to grant a licence for the performance of the regular drama ; and that it is out of courtesy to the King from his servant the Lord Chamberlain, and not from any doubt of the power of the Lord Chamberlain, that you state that opinion ?—Exactly.

122. Do you know, in point of fact, when the licence was granted to Mr Arnold for the English Opera House, whether the pleasure of the Crown was taken before that was done ?—Certainly. The Lord Chamberlain had promised a licence to Mr. Arnold ; being in the country, an application was made to him in the country, and he then gave a promise for that licence. When his Lordship came to town and mentioned it to me, I considered that it was running so close on the regular drama that I recommended his Lordship to take the King’s pleasure upon it before he granted such licence. His Lordship did so, and His Majesty was graciously pleased to allow of such a licence being granted.

123. You have no doubt of the authority of the Lord Chamberlain to have granted a licence for the whole year, instead of the four months to which it was limited ?—Certainly none ; and the licence was granted for the whole year.

124. I wish to ask you what course would be pursued by the Lord Chamberlain’s office, and what authorities you conceive to be vested in the Lord Chamberlain, in

*T. Baucott Mash,*  
Esq.

13 June 1832.

the event of any entertainment of music, or any dramatic entertainment of any description, a concert even, being attempted without a licence from the Lord Chamberlain?—They would be liable to the penalty, upon an information under the Act.

125. You say that a person acting the regular drama for hire or gain, without a licence from the Lord Chamberlain, is subject to a penalty of 50*l.* In what manner would the Lord Chamberlain proceed; would he himself proceed to lay the information against the party?—He might direct an information to be laid, or he might proceed against him in any other way.

126. And you think in practice he would do so?—It has been done.

127. Lately?—It was done some few years ago with the Pantheon, on account of performances there without the authority of the Lord Chamberlain.

128. Suppose a person pays a penalty of 50*l.* he is liable to no other penalty; so if I were to set up a theatre in which the profits might be 200*l.* nightly, I could afford to pay 50*l.* for every night I performed?—It is not the proprietor only who is subject to the penalty, but every performer.

129. So that the penalties altogether incurred would be sufficient to prevent their doing so?—Yes, every person is liable.

130. Pray what is the fee exacted from the company of Drury Lane for its licence for twenty years?—I am not able to answer that directly, for those fees are paid at the various offices through which the patent passes, to the Lord Chancellor and a variety of persons. The patent in the first instance is made by the sign manual of the King, which goes to the Attorney-general, thence to the Patent-office, then to the Great Seal, the Privy Seal, and to the Secretary of State, and a variety of offices, all of which offices receive their fees.

131. Do Drury Lane or Covent Garden pay anything to the Chamberlain's office annually?—No.

132. Not a shilling?—Not a shilling. It was the custom of Drury Lane theatre many years ago to pay an annuity of 300*l.* a year to the Chamberlain's office, and then it was reduced to 200*l.* at the time that Mr. Sheridan made his application for the new licence; and then after a certain number of years a question arose about it, and it was reduced to one, and it remains now at one; but it is a voluntary gift; it is not a demand on the part of the office at all, for that was fully explained by Lord Dartmouth to Mr. Sheridan. I receive 100*l.* a year, but that is a voluntary act on the part of the theatre, and not a demand; and it is an annuity which, at the expiration of this licence, may be continued or not.

133. You can enforce it at the expiration of the licence?—I can enforce it by no other means than the deed by which they agreed to pay 200*l.* a year.

134. I understood you to say just now that Drury Lane did not pay one shilling; I now understand that that answer to my question was not correct, and that in fact Drury Lane does pay so much to the Lord Chamberlain?—It pays 100*l.* a year to me.

135. For the licence?—No; they had the licence independent of that.

136. You say it has a patent and a licence?—No, a patent only.

137. It has another patent besides that for 20 years?—No, certainly not any other patent under which it acts; it exists under a patent granted by the late King.

138. Why is a 21 years' licence taken out by Drury Lane, if they have got a patent?—Because the two patents, the patent of Davenant and the patent of Killigrew, were united; and so strong are the words of the deed under which they are united, that they were to be one from henceforth for evermore.

139. Then Covent Garden possesses a double patent?—Yes.

140. Drury Lane has no patent at all?—No patent but for 21 years.

141. They have no licence?—There is no licence whatever.

142. They pay 100*l.* a year out of good will entirely?—It was 200*l.*, and then it was reduced to 100*l.*

143. Did they bind themselves by any deed?—Yes, they have bound themselves by a deed.

144. Then it is not a voluntary payment?—It was a voluntary thing on their part at first: at the expiration of the present patent it will be for them to say whether they will give it or not. Lord Dartmouth told Mr. Sheridan that he knew nothing about it, and Sheridan said we ought to have it. Lord Dartmouth said, if it was to be paid I should receive it, as I had conducted the business; but he told Mr. Sheridan at the same time that we had no such claim.

145. When

*T. Baucott Mash,*  
Esq.

13 June 1832.

145. When does this patent expire?—It was granted in 1816.
146. Supposing Drury Lane would not agree to pay that 100*l.* a year, you would refuse to grant the patent, in order to compel them to pay you?—No; the only way I could compel them to pay it, would be by an action against them.
147. There is no occasion for you to renew the patent for 21 years, unless the Lord Chamberlain or the King thinks proper?—Not without the King thinks proper; the patent is granted by the King.
148. The King can refuse renewing it?—Upon my honour I am not able to answer that question; I cannot take upon me to say what the King can do, and what he cannot.
149. You do not know whether he can refuse it or not?—I do not know what His Majesty's powers are.
150. If he can refuse it, Killigrew's patent falls to the ground, on which Drury Lane opened. What use is that patent to Drury Lane if the King can close the theatre at the end of 21 years?—Mr. Sheridan found that he could not open a third theatre, which he had once in contemplation, upon that patent.
151. Then the patent is a mere delusion?—I do not know what it is; it is what they call a dormant patent.
152. Of what use is it?—It has never been acted on since the period I am speaking of, when these two patents, Killigrew's and Davenant's patents, were united; and so strong is the language, that it is declared that they shall become one for evermore.
153. But Covent Garden plays upon the Davenant patent?—Yes.
154. It never makes any application to you?—Never.
155. Is there any difference between a licence of 20 years and a patent?—The difference is that one is granted by the King, and the other by the Lord Chamberlain.
156. Is there any difference in the powers?—None in the world. The Lord Chamberlain cannot grant a patent for 21 years, at least I suppose not; the Lord Chamberlain's power is restricted to a year.
157. This 20 years' patent is equally granted by the King?—It is always granted by the King.
158. And the other patent is also granted by the King?—All the patents.
159. Do you mean to say the Chamberlain's power only extends to a year?—Only to a year.
160. Under the Act it extends to any number of years?—He has never to my knowledge granted a licence for more than a year.
161. Did you ever claim as a right the annuity you now receive?—No.
162. You never had an action respecting it?—I have claimed it as a right since it has been given to me by their own deed; after it was granted to me. It was given to me by Mr. Whitbread and the committee for Drury Lane theatre.
163. Since that time you have claimed it as a right?—Of course, because they gave me a deed of gift.
164. They gave it voluntarily?—Yes.
165. Not as the condition of procuring the licence?—No, it was a voluntary thing entirely; the deed is open for anybody's inspection.
166. Upon what authority do you prevent the great patent theatres, and the theatres within your jurisdiction, from playing Wednesdays and Fridays during Lent?—Because they never have played in Lent.
167. Upon what authority?—Upon the authority of custom I should suppose, and the length of time they have never played.
168. Upon what authority do you prevent the theatres from playing on Wednesdays and Fridays during Lent, within your jurisdiction?—The Lord Chamberlain, I should conceive, possesses the authority to prevent them.
169. Has he not authority to shut them up the other days?—Yes, during Passion Week.
170. At any other time?—No, because it has not been the custom.
171. What is the object of closing them?—Because they were considered as two particular religious days.
172. Do they not extend to other parts of the country; to the Coburg and Tottenham-street theatres, for instance?—There they act as they please; I do not know anything about them, they are out of the jurisdiction of the Lord Chamberlain.
173. With regard to Lent, the Adelphi advertised to open on the first Wed-

*T. Baucott Mash,*  
Esq.

13 June 1832.

nesday in Lent?—I believe they did; I am not able to answer that question immediately.

174. Did you not stop them?—There was some entertainment they were going to give in Lent, and we found it necessary to stop them.

175. Why?—Because it had not been customary to play at that time.

176. Who gave you instructions?—I acted under the authority of the Lord Chamberlain.

177. Did the Bishop of London make any application on the subject?—He did, and he has on other occasions when he thought anything improper was going on; and it was in consequence of that representation that it was done.

178. Was there no claim ever made on Covent Garden theatre to pay a similar annual fee with that which is paid by Drury Lane?—Never, nor had the Lord Chamberlain any knowledge or idea that anything was ever paid till Mr. Sheridan stated it to the Lord Chamberlain, and it was a voluntary act on the part of Mr. Sheridan; it was expressly stated to him that we had no claim whatever to it.

179. Have applications been frequently made to act the regular drama, and frequently refused?—There have been applications made to the Lord Chamberlain for the regular drama to be acted, which the Lord Chamberlain refused.

180. Were there many applications?—Not many, for they had no encouragement.

181. Upon what consideration was the Lord Chamberlain so induced to refuse?—Why, conceiving it would be an infringement on the regular drama, and that if they were to allow it, it would be an injury to Covent Garden and Drury Lane.

182. And it was for the sake of protecting those theatres that he refused to allow it to be done?—Yes.

183. Why did he consider himself bound to protect them?—He felt it would be but proper to do so.

184. On account of the interest vested in those theatres?—Yes, from the regular drama being performed.

185. Was it with respect to the interests vested in those theatres, or to the interests of the public, that those applications were refused?—On consideration that it would do an injury to those theatres if the applications were granted by him.

186. Without any reference to the convenience of the public?—The public were not in consideration at that moment. I cannot tell what the feelings of the Lord Chamberlain were on the subject; I conceive it would be refused in consideration of the injury which the other theatres would sustain. It is a mere matter of opinion, and I am only giving you my opinion.

187. Do you not conceive that he refused them in the exercise of his discretionary power as Chamberlain?—Certainly, because I conceive he had the power of granting them or not, as he thought proper.

*Mr. James Winston, called in; and Examined.*

*Mr.*  
*James Winston.*

188. YOU have been connected for several years with various theatres?—With two theatres.

189. The Haymarket?—Yes, where I was stage-manager for 15 or 16 years, and at Drury Lane seven, I think.

190. What do you consider the powers of the Lord Chamberlain are with respect to licensing the theatres?—That is difficult for me to say; I cannot ascertain what his powers are.

191. You cannot say what you consider them?—I can say what I consider, but that will be no guide; it is a mere matter of opinion.

192. Though you have been so long connected with theatres, you are not aware what the powers of the Lord Chamberlain may be?—I have an opinion about it.

193-4. What is your opinion as to what his powers are with respect to the licensing of theatres?—He has no power over the two theatres; they are already licensed.

195. You consider he has no power over those two theatres?—Not with respect to licensing; I suppose he has a right to license other theatres for burlettas.

196. And you suppose he has no power to license the original drama anywhere, at any theatre?—I cannot ascertain that.

197. You will not positively say he has not?—I cannot say that he has not.

198. Are you at all acquainted with the Acts of Parliament from which the Lord Chamberlain derives his authority?—I have seen all the Acts of Parliament: the



10 Geo. 2. mentions his authority, but he does not derive his authority from that Act, I conceive; there must be some previous Act which I am not aware of.

199. There is another Act, the 25 Geo. 2, and a third Act, which Mr. Mash has alluded to, and which he calls the short Act?—Yes, that is the country licensing Act.

200. Now you say you consider the power of the Lord Chamberlain was defined or did exist previous to the Act of Parliament of 10 Geo. 2.?—I conceive there was, for it alludes to something which appears to me as if there was a previous Act; for it says, all things not done by him are illegal, therefore I consider that must allude to some previous Act, though I do not know what it is.

201. Are you aware that previous to that time the Lord Chamberlain had attempted to assume an authority which he was not able to assume in point of law?—Previous to 1710?

202. Yes?—Upon my word I do not recollect anything of the kind.

203. Do you know what was the reason adduced for passing the 10 Geo. 2.; did you ever hear it was in consequence of a play called the Golden Rump?—Yes, I think it was; it was with respect to a man named Giffard in Goodman's Fields: that is the Censorship Act.

204. What is the Lord Chamberlain's office with respect to country theatres, do you know?—I know that he grants licences to the Richmond theatre, because I had it once.

205. Do you consider that he has any power over the Birmingham, Liverpool, Dublin or Edinburgh theatres?—As far as licensing plays goes, certainly, except Dublin.

206. But so far as licensing the theatres goes, he has not?—I do not conceive that he has; there is a specific Act, which gives them the power of licensing for 60 days only.

207. To perform the legitimate drama at the theatres in Southwark, at the Coburg theatre, it would be to a certain degree illegal to do so: how could Mr. Davidge, of the Coburg theatre, send any new play to the censor to look over; would not the censor's looking over it acknowledge it to be legitimate?—Yes; he cannot license a play for an illegitimate object.

208. He must send it back?—Yes: it must be stated where it is to be acted; and if it is said that it is to be acted at the Coburg theatre, they could not license it, and it would be sent back.

209. As far as you consider, you are not able to say whether the Lord Chamberlain could grant a licence to perform the legitimate drama or not, for a single night?—That is a difficult thing to say.

210. It is a question you cannot answer?—That he does do it is clear, for he has licensed our theatre at the Haymarket; he has done it for a length of time, and I think we have had 12 or 15 in the course of the winter.

211. Do you not consider that would be contrary to any right claimed for the performance of the legitimate drama at the two great theatres?—It would interfere with it and might do them injury, but as we were benefited by it we did not say much about it.

212. Do you consider that these laws, which you find it somewhat difficult to speak to, are generally understood and generally known by the persons engaged in theatricals?—I could have answered more particularly if I had been aware what I was to be examined to. I could have given more information than it is possible for me to do now, unless I were to read over those Acts.

213. You say the Lord Chamberlain exercises the right of licensing the drama at your theatre out of the season?—We have not had occasion for it lately, but formerly.

214. Do you know whence he derives the right to do so?—Upon my word I do not know if there is an Act previous to 1710, of which I am not aware.

215. Do you not think it would be very advantageous to the drama to have the power of the Lord Chamberlain more clearly defined than it is at present?—Certainly.

216. I believe the Lord Chamberlain himself does not know what a burletta is?—He has said as much on some occasions I believe, or something like it; that you are to find out what a burletta is.

217. Suppose the Lord Chamberlain were to license the Adelphi theatre, do you think the two patent theatres, as they are called, would have just cause of complaint;

Mr.  
*James Winston.*

13 June 1832.

Mr.  
James Winston.

13 June 1832.

plaint; would they consider it as an infringement of their patent?—Most undoubtedly I think so.

218. Why?—Because it reduces their receipts; people would not pay seven shillings when they could see the same thing for four.

219. You think their patent rights would justify them in complaining?—Upon my word I do. If you consider them patent, I think they would have just cause of complaint.

220. You consider it would be an infringement of their patent rights?—Yes, to allow the regular drama to be performed at a minor theatre.

221. What do you consider is meant by the regular drama?—The regular drama I consider to be tragedy and comedy, and everything on the stage.

222. Burletta; do you consider that to be the regular drama?—Yes, because Tom Thumb was played in the regular theatres, and is printed and called a burletta.

223. What do you consider a burletta to be?—Recitative and singing; no speaking whatever: the Golden Pippin is a strong specimen of it, and Olympus in an Uproar.

224. Is Olympus in an Uproar the regular drama?—It is played at the regular theatres, and played under licence.

225. Do I understand you to include every stage representation: of course you must include Olympus in an Uproar, or anything of that kind?—I think the patent or the Lord Chamberlain's licence allows them to play anything, for regular drama includes everything.

226. Can you state what you consider to be not the regular drama?—I do not know; that is a very difficult thing to ascertain: if they can play everything, every thing is the regular drama.

227. In short there is no species of stage representation (including dancing and tumbling) which is not the regular drama; pantomime also is the regular drama?—Pantomime is, because it was played originally at the regular theatres, time out of mind.

228. Do you consider pantomime the regular drama?—Under those circumstances it must be considered so, because it came out at the regular theatres.

229. Is Astley's the regular drama; is horsemanship the regular drama, or lions? No, I should consider not; not lions, certainly.

230. Is it everything that is performed at Covent Garden and Drury Lane?—It is a very difficult thing to say what is the regular drama and what is not.

231. What do you conceive to be the description of representation which can only be legally performed by the minor theatres, under the Lord Chamberlain's licence?—Burlettas, pantomimes and spectacles are included; it is stated exactly what each house is to do; the English Opera is to play operatic pieces.

232. You make no distinction, in your definition of drama, between a play of Shakespeare's and a pantomime?—Yes, a great distinction, but they all come under the term drama.

233. You make no distinction between a play of Shakespeare's and a pantomime, in your definition of drama?—I consider it is included in the regular drama, from custom.

234. Do you mean, everything that is produced at the regular theatres, however absurd and ridiculous, is regular drama if it is produced at these great theatres?—So far back as 100 years ago, a famous wire-dancer was exhibited in a pantomime called the Fair, which is a sort of Astley exhibition or like Sadler's Wells; but it has been the custom to introduce anything in pantomimes.

235. If what you have stated is your definition of burletta, is not the Lord Chamberlain now granting licences to persons who are breaking through their licences by the performance of pieces which are not, according to your definition, burlettas?—Certainly. I believe he has said he does not know what a burletta is; I think he has stated that in some of his letters in Elliston's memorial.

236. But in your opinion the minor theatres are not at this moment acting burlettas, and are consequently infringing the licence the Lord Chamberlain has granted them?—I conceive that they are not burlettas.

237. Then in fact, according to your opinion, the Lord Chamberlain is giving a legal licence to do that which is illegal?—I cannot say: if he calls them burlettas, and suffers them to be acted.

238. Do you understand that the great theatres have authority to represent every description of performance, tragedy, comedy, farce, horsemanship, and every other thing that may be represented on a stage?—There is no exception in the patent.

239. In



239. In fact yours is a sweeping power of representation of every kind?—Yes.

240. Then I understand you that, in the case of the minor theatres, you suppose them to be restricted to some particular description of representation which is to be classed under the head of burletta?—Burletta.

241. And nothing else?—Yes.

Mr.  
James Winston.  
13 June 1832.

*Veneris, 15<sup>a</sup> die Junii, 1832.*

EDWARD LYTTON BULWER, ESQ. IN THE CHAIR.

Mr. John Payne Collier, called in; and Examined.

242. YOU have officiated once as Licencer, have you not?—I acted for Mr. Colman in the summer, during his absence in France. The Duke of Devonshire desired me to read the plays for Mr. Colman, and I did so.

243. In what year was that?—I think it was in August and September last.

244. 1831?—Yes.

245. Do you happen to know in what way the examination and authorising of plays by the Lord Chamberlain, or by the Master of the Revels, commenced, and how it was first recognised?—The origin of the office of the Master of the Revels is to be traced back to the year 1545. The Master of the Revels was originally appointed, as far as we can ascertain, to superintend the household of the King in relation to the court entertainments. The third Master of the Revels was Edmund Tylney; he was the first person exercising any authority in licensing and correcting plays publicly acted. He appears to have done so in exactly the same way as the examiner of plays at this day. He read the plays; he erased such parts as he objected to; or, if he objected to them entirely, he forbade them.

246. What reign was that in?—That was in the latter end of the reign of Elizabeth, and in the beginning of James 1st.

247. When did the office cease?—The office did not cease I apprehend till the passing of the Act of 1737. The first Master of the Revels upon record was Sir Thomas Cawarden, the second Sir T. Berenger, and the third Edmund Tylney, whom I have mentioned.

248. When was Sir Henry Herbert?—He was deputy to Sir John Astley. He acted first as deputy in 1622, and on his own behalf, I think, in 1627, on the death of Sir John Astley. Sir John Astley was the person whose authority seems to be most defined in his patent with regard to players and plays: he was authorised to exercise a complete control in every way over both. He dismissed companies, and refused to allow them to act; he licensed plays or rejected them; and he committed performers, in case of disobedience, on his own responsibility. The Master of the Revels at that period did not at all look to the Lord Chamberlain for any authority; but he sometimes took his instructions from the Privy Council, who in various instances interfered to suppress theatres, or to correct players.

249. Then the original power which the licensors of plays possessed was derived from the Privy Council?—No; the Master of the Revels of old was always appointed by patent under the great seal, although he was controlled in some degree by the Privy Council. Whether the Privy Council had any absolute authority over him or not, I do not know.

250. But he derived his authority from the Crown?—Yes, by patent.

251. Is not the result of the whole this, that the power dwelt in the Crown, and that the Crown exercised it according to its will, either by the Lord Chamberlain or the Master of the Revels?—I should think so. I do not find, however, that the Lord Chamberlain exercised any authority till the year 1624. That is the first instance in which he is mentioned in connection with the control of players. In that instance certain players committed an offence, and the Lord Chamberlain was instructed by the King to remit the sentence inflicted upon them by the Privy Council.

Mr.  
J. Payne Collier.  
15 June 1832.

Mr.  
J. Payne Collier.  
15 June 1832.

252. When was that?—In 1624.

253. What players were those?—The King's players; and it was with reference to a play called the Game of Chess. The letter of the Lord Chamberlain is preserved in the State-paper office. After that date the Lord Chamberlain seems to have exercised his powers not unfrequently and very extensively, for he even prohibited the publication of plays belonging to one company, in order that they might not be performed by another. The Master of the Revels seems to have had the power even to license books and poems not connected with the stage.

254. They existed simultaneously, in short?—They did.

255. Do you consider the powers of the Lord Chamberlain unlimited?—At that time.

256. Now?—Not unlimited, certainly; not unlimited as to place. The Lord Chamberlain's power is defined by the Act of 1737; but I ought to mention that though that Act gives the Lord Chamberlain authority to license players, or at least recognises his authority to license theatres in Westminster and its liberties, and in certain towns where the King resided, yet he has constantly licensed plays for theatres in the country, calling themselves Theatres Royal. On what ground they call themselves Theatres Royal I am not at present able to explain, but the Lord Chamberlain licenses plays from Edinburgh, York, Bristol, Liverpool and other places.

257. That is, by virtue of his censorship he allows plays to be acted?—Yes.

258. He does not license players there?—No.

259. I mean, whether his power with respect to the licensing theatres for the performance of the legitimate drama is unlimited?—I apprehend so; he may license theatres for any kind of theatrical entertainment.

260. Then he has the power of licensing the Adelphi theatre for the performance of the legitimate drama?—I think he has; I do not apprehend there is any doubt about that. Perhaps I should mention that the authority of the Lord Chamberlain is only recognised in the Act of 1737; it is not given to him by that statute. It states that the King may grant letters patent, or that the Lord Chamberlain may grant a licence, but it does not mention from whence the Lord Chamberlain derives his power; but a document I have in my possession shows that the opinion of the Attorney-general was taken on the subject, or at least that his attention was called to it; and he states that the Lord Chamberlain had exercised the power over plays and players from time immemorial.

261. Now in the earliest records you have examined it appears, I apprehend, that the licensing of theatres belonged to the Crown only?—The licensing of companies of players belonged to the Crown entirely until the year 1737. In the year 1718, if I recollect rightly, Sir Richard Steele obtained a patent from the Crown of a peculiar character, for it in terms excluded the authority of the Master of the Revels with reference to any performances Sir Richard Steele might represent at his theatres; and that gave rise to a dispute as to the authority of the Master of the Revels, which was denied by Sir Richard, and I think successfully denied.

262. But you say it was exclusively exercised by the Crown; was not there a power, by the statute, in any nobleman above the dignity of a baron, to license?—Yes, formerly in the reign of Elizabeth all the nobility had that privilege, and it was continued down to the commencement of the reign of James 1st, when the Act was repealed. In the reign of Elizabeth all noblemen exercised that power, of or above the dignity of a baron; but prior to her accession persons not of the dignity of a baron did license players, and their licence was allowed; Sir Francis Leek, for instance, in the reign of queen Mary.

263. I apprehend it was almost always, if not always, done by letters patent or by grant under the privy seal?—Always, to the best of my recollection.

264. Can you give any information how it happened that the control of the theatres and players, formerly exercised by the Privy Council and Master of the Revels, devolved into the hands of the Lord Chamberlain?—Only in this way: the Master of the Revels was originally appointed to superintend performances in the King's palace; the superintendence of the King's palace belonged, I believe, to the Lord Chamberlain, and from that circumstance, and from its being considered that the Master of the Revels was a sort of household officer, he and his department seem by degrees to have come under the jurisdiction of the Lord Chamberlain, beginning with the year 1624 and coming down to the year 1737, when the Lord Chamberlain's authority was entirely established.

265. Did

265. Did not the Lord Chamberlain appoint the Master of the Revels?—Never, down to the reign of Charles 2d.

266. Not latterly?—Not that I am aware of.

267. He certainly did latterly, till Burke's bill abolished the office?—I do not speak distinctly as to his appointment since the Revolution: I know he was appointed by the King or Queen before the reign of Charles 2d. Charles 2d appointed Thomas Killigrew and Charles Killigrew.

268. You apprehend then that the Lord Chamberlain would have the power of granting a licence for the legitimate drama at the Adelphi theatre?—I apprehend so.

269. Should you consider that an infringement of the patent rights of the two great theatres?—I am not prepared to say what their patent rights are; I have never had an opportunity of considering that question sufficiently to be able to state what are or what are not their rights; but this I can say, and I can prove it by a document now before me, that those patent rights granted by Charles the 2d to Davenant and Killigrew, and which were supposed to be exclusive, inasmuch as they gave them the sole power of representing plays at the Duke of York's theatre and the King's theatre, were in fact not exclusive; king Charles the 2d himself, about two years afterwards, granted a third patent for acting plays, operas, shows, scenes and farces, to a third party. The original is in the State-paper office, and I have brought a copy of it with me. It shows that king Charles the 2d did not consider himself bound by his own patent granting the supposed exclusive right. The person thus benefited was a man of the name of Jolly, whose right was afterwards compounded for, inasmuch as Davenant and Killigrew agreed to pay him 4*l.* a week in order that he might not carry his patent into effect. The patent was dated the 27th of January 1663.

270. What is become of that patent?—It is, or a copy of it is, in the State-paper office, from which I made this transcript.

271. If this power of licensing plays existed either in the Chamberlain or in the Master of the Revels, what was the use of the Playhouse Act of the 10th of George 2, giving the Lord Chamberlain a censorship over plays?—We have some evidence that the power of the Master of the Revels had been much impaired, and was then little recognised. Great abuse was introduced into the theatre. That is proved, among others, by the piece which was the occasion of the Act of 1737, which was called the Golden Rump, and which some have supposed to have been a contrivance by certain parties to produce such an impression on the mind of the Minister of the day, as to the inconvenience of allowing an unrestrained state of the drama, that he would introduce the Act of 1737, which he did introduce accordingly.

272. I believe the Golden Rump was never acted?—I believe the Golden Rump was never acted or printed.

273. Was it ever printed?—Never, that I am aware of; I have made inquiries on the subject, but I have never been able to procure any intelligence with respect to it.

274. And you have never seen it printed?—It has never been seen; I have never heard of anybody that has seen it. The accounts state that it was taken by Giffard of Goodman's Fields theatre to the Minister of the day, and that he founded upon it that particular Act of Parliament, 10 Geo. 2, c. 28. What he did with the play, whether he kept it in his office, or whether it ever got out to the public, I do not know.

275. It is the general understanding that it never was seen, you say?—I think so; never seen publicly.

276. Had not the sergeant-trumpeter the power of granting licences at one time?—I am not prepared to answer that question.

277. Did he not license puppet-shows?—I think he did; I remember proofs of that.

278. He was an officer appointed by the Lord Chamberlain?—I am not sure of that. I was asked with regard to the power of the Lord Chamberlain, what I thought his powers were with reference to licensing the legitimate drama. I have no doubt the Lord Chamberlain has authority to license it; the power of the Lord Chamberlain, I take it, is permissive, but I do not think it is preventive

Mr.  
J. Payne Collier.

15 June 1832.

any more than that of an individual who may choose to prosecute for the 50*l.* penalty.

279. What, in your opinion, would be the consequence, if the legitimate drama were performed at the Adelphi and other theatres; what do you suppose would be the effect upon the drama in general?—The effect upon the public would be, that they would visit those theatres where they would hear the best plays acted in the best way, according to my opinion, in smaller theatres than those that are now erected. I am of opinion also that the licensing of smaller theatres would not at all deteriorate the school of acting; for I do not think that we have at present any means of fairly judging of the manner in which the school of acting is affected by the minor theatres: that is to say, it is not fair to say that the school of acting would be deteriorated hereafter if smaller theatres were licensed. There are no good actors at the minor theatres at present, inasmuch as they are always acting under the apprehension of a prosecution; and they have never acted with that degree of encouragement which they probably would receive from the public if they were allowed to act plays without control, except such control as they might be under from the licencer: therefore I do not think the experiment has been at all fairly tried hitherto, or that it is fair to reason from what we now see. I think the consequence of allowing plays to be acted at the minor theatres would, in the first instance, be the ruin of a number of speculators; but that would be the case in any branch of trade that was opened immediately; persons would speculate, and a great number more would speculate than could profit by it; but that evil, I think, would ere long correct itself. I think the legitimate drama might be acted at theatres as small as the Haymarket, or even smaller, with advantage; and that it would not in any respect deteriorate the school of acting. It would afford great encouragement to authors to write plays, if the state of the law regarding authorship were also altered; and upon the whole it would, in my opinion, be a considerable benefit to the public, to actors and to authors. I apprehend that the public have at all times, and especially in these times, a right to obtain their amusements as cheaply as they can, provided care is taken that those amusements are innocent. I think there ought to be no more control over the purchase of amusements than over the purchase of the common provisions of life, provided we take care, in the case of amusement, that what is given is wholesome, as we take care in the case of food that what is bought is wholesome: by law, no butcher is allowed to sell bad meat, or a baker bad bread.

280. You say it would bring ruin on many speculators; among them should you include the proprietors of the patent theatres?—That it would produce injury to the patent theatres?

281. Yes?—I think it would.

282. You think it would injure their patents?—I think it might; I do not mean to say decisively that it would.

283. Why do you think it would?—I think that people, when there were a number of theatres representing the legitimate drama, would prefer visiting a small theatre where they could see and hear: provided the acting were equally good, they would visit a smaller theatre rather than a large one.

284. Do you suppose that the consequence would be to lessen the size of the great theatres, and that their situation at present would give them the advantage over any new theatres which were set up?—I think they would still possess an advantage in several respects, and perhaps to a certain extent in the public opinion. I have been told that they can reduce their theatres in size; and I think the great evil has always been that instead of *multiplying* theatres in proportion to the increase of population, the proprietors have *enlarged* theatres in proportion to the increase of population.

285. In Shakspeare's time I think the largest theatre was about 50 feet square?—The largest theatre I think was about 45 feet in the interior: speaking from memory I should say that the back of the stage from the farthest auditor was about 45 feet.

286. What do you suppose now to be the space in the great theatres?—I cannot pretend to say, but a vast deal more.

287. Now I would ask you whether the Lord Chamberlain, in exercising his power of licensing theatres, has or has not been induced to consider the vested interests or the money embarked in those theatres which already exist; whether it has been in his practice to do so?—I may state on my own knowledge that the present

present Lord Chamberlain has refrained from granting licences from a consideration of the injury it would do to the patent theatres.

288. Then in your opinion that is a thing which is right to be considered?—I think that where vested rights can be proved, they ought to be respected.

289. Not merely vested rights, but property actually embarked, so as to bring ruin on the individuals who have so embarked it?—That is a matter of policy entirely. My opinion is that the public interest is superior to any private considerations, and that whether 20 or 200 are concerned in a major theatre as proprietors, if the minor theatres tend to make the drama a better school of morals and conduct, no private interest ought to stand in the way of that advantage.

290. Are you not of opinion that all public amusements should be attended with as little injury to individuals as possible?—Certainly.

291. Did any Lord Chamberlain ever grant an annual licence to a theatre previous to Lord Dartmouth?—I am not aware.

292. You consider then that the taste of the public is decidedly in favour of the regular drama, and not of the burletta and vaudeville at present acted at the minor theatres?—If novelty were given in the shape of the regular drama, both as respects the authorship and the actorship, if I may use that word, the taste of the public is decidedly in favour of the regular drama.

293. Of new good plays?—Yes; and the proof of that is, that the moment they get a new good play, that moment the theatre is crowded, as in the instance of the *Hunchback*.

294. Is a good play never damned?—I think good plays, and good farces too, have been damned.

295. Do you not consider that the public taste has been considerably deteriorated by the quality of the representations that have been given at the large theatres?—Decidedly. I think the great theatres have owed their present condition partly to their magnitude, partly to the representations that have taken place at them, and partly to the difficulty of hearing, understanding and enjoying representations of a more regular and legitimate character. In fact it all resolves itself into magnitude.

296. Such representations, for instance, as the *Hunchback*, which is one of the last things which has resulted from the present system?—If you ask my opinion of it as a play, I think it is not first rate, but that it approaches first rate; that it is as good as Massinger, or very near it; and that it is a play that ought to be encouraged both by the public and by any persons in power who have the means of encouraging it.

297. Then the last result of the large theatres has been the production of a nearly first-rate play, accompanied by first-rate acting?—Certainly.

298. But has that result been in spite, or in consequence of the large theatres?—In spite, I think; perhaps I may be allowed to explain: when I say, in spite of the large theatres, I mean to say this, that if the *Hunchback* had been represented at a smaller theatre, with equal advantages of acting, it would have drawn equally well, and perhaps better, and have been liked better.

299. If their patents had been respected, and they had preserved that monopoly they originally supposed themselves to possess, is it not probable that they might not have been driven to such representations as you say have injured the public taste?—I think in that case the public would have been still more weaned from dramatic representations than now; for the large theatres might have represented the legitimate drama, the same plays, with perhaps the same actors, till people were tired of seeing them.

300. You think variety necessary?—Yes; both in actors and plays.

301. But might not the patent theatres say that they would have been able to support and dedicate themselves to the original drama if their patents had been respected, and the minor theatres had not introduced other species of entertainments which would have deteriorated the public taste as much as those acted at the larger houses?—I think they might certainly say that; but at the same time I think that the public would have been much better satisfied if the patents had, as well as professing to limit the number of patents, limited also the size of the theatres, and said, no play shall be acted in a theatre that is above certain dimensions. But that evil it was left for the public to correct, as it is now being corrected; for we can easily suppose, if London and its vicinity have increased in population, perhaps to four or five times its amount in the reign of Charles 2, that as there are no more theatres now than there were then, if the proprietors

Mr.  
*J. Payne Collier.*

15 June 1832.



Mr.  
J. Payne Collier.

15 June 1832.

had kept pace with the increase of the population, theatres would have been much larger than they are now.

302. Did not the original patents granted by Charles 2d limit the size of the theatres?—That will appear from the patent itself, which I have not, in that respect, in my memory.

303. Forty yards was the outer wall?—I think that was the patent that Davenant obtained to build a theatre in Fleet-street, which was afterwards recalled. This patent in my hand, which was given to Jolly, and which was an infringement by the King himself upon the two patents he had previously granted, does not contain any such stipulation. It is generally, that he may act; and it does not state whether the theatre shall or shall not be of a certain size.

304. Suppose the Olympic and the Adelphi were, instead of the pieces they now act, to act the best plays of Shakspeare or the best authors, do you think they would be better attended than they are now?—I do not know that they would; I think they are exceedingly well attended as it is; but then there is this to be said, that certain dramas represented at the Olympic, and others at the Adelphi, are as much legitimate drama as anything originally represented at the large theatres. Take, for instance, the piece called Victorine, which I suppose everybody has seen with very great pleasure. It is a well-conducted piece (I do not speak of the introduction of Bonassus); it has a most unexceptionable moral, and it is of the most ingenious and fanciful construction.

305. Your opinion is, that the attraction of the theatres wholly depends on novelty?—Not wholly; I think good plays, old good plays, well acted, will draw. I do not say that we want novelty in plays only, but in actors also; and the present state of the stage shows that there has not been that encouragement of actors which was formerly experienced; there is no choice I believe in London, and I understand none in the country.

306. You mean to say, be an actor ever so good, his power of attraction is rather finite, and that there comes a time when there must be novelty, without a falling off of his powers?—I think so: suppose, for instance, instead of having 50 (I will take that number) capital acting plays, we had only one; suppose Macbeth were acted every night, would one actor be endured in that character night after night? And it is the same in degree, if you take the number to be 50 or 100. When Miss O'Neill came to town she was attractive; and one well-known play in which Mrs. Siddons had performed was acted over and over again, because there was novelty in the actress.

307. Did not the original patents forbid either of the patent theatres to receive actors who had left the other theatres?—I have not read those patents at all recently, and cannot speak precisely as to their contents; neither, as the patents themselves can be referred to, is it absolutely necessary; but this I can say, that the King did personally interfere to prevent I think that, and to make other regulations in the theatre.

308. I think the inference from that is, that at the time of Charles 2d they did not agree with you, but confined their actors to the same theatres?—But they might derive their actors from the country; the actors might not go from theatre to theatre, that is to say from Killigrew to Davenant, or from Davenant to Killigrew; but the patentees might engage new country actors, and so they may now. A little while ago (I do not know it as a matter of fact, but as one of the public I understood) there was a sort of compact between the patent theatres, that they would not receive an actor who had been dismissed from the other theatre till after the lapse of a season, or something like that period; that agreement was found convenient.

309. Do you think this rage for novelty extends so far that the public will want new theatres in time, as well as new plays?—Certainly not, if there are enough of them, and of a proper size.

310. Have you made any calculation as to the number of theatres which this metropolis ought to have?—Never.

311. There are not as many theatres here as there are in Paris?—I am not able to answer that question: I do not know the precise number there are in the one or in the other, but I know the population of London exceeds that of Paris by about one-third.

312. There are the same number of theatres now, I think I understood you to say, as there were in the time of Charles 2d?—In the time of Charles 2d there were

were only two patent theatres, occupied by the Duke's company and the King's company.

313. No minor theatres?—I have no facts. In the reign of Elizabeth, during the life of Shakspeare, there were 17 theatres open, but not all open at the same time; but I know from evidence capable of being produced from the Harleian collection of MSS., that in the year 1586 there were, as was asserted, not less than 200 players in London. A company of players did not then consist of more than 10 or 12.

314. Do you suppose there is now a greater or a less degree of theatrical accommodation in London, in proportion to the population, than at that period?—I think on the whole there is greater.

315. In proportion to the population?—Certainly, I think in proportion to the population there is at present greater accommodation, inasmuch as there are now two patent theatres and a number of minor theatres; but I am not at all sure that there would be now more accommodation (even supposing it were good accommodation, and such as could not be objected to) in proportion to the population, if the minor theatres were closed, than in Charles the second's time, when there were only two patent theatres. I am not able to say what minor representations there might be then, but we know there was a growing disposition to theatrical representations previous to the Restoration; and I am not prepared to say whether the consequence of that was not, after the Restoration, a number of performances which were not publicly recognised.

316. Do you think the play-going population of London has at all increased in proportion to the general increase of population?—I think it has not increased in proportion, but I think that the reason it has not is the increase in magnitude of our theatres. In Garrick's time the theatre held no more than about 300*l.*, and it was not till the Kembles came to town that the theatre was much enlarged. Mrs. Siddons's fine voice and appearance, and John Kemble's noble person, carriage and action, enabled them to fill a larger space than actors in common can hope to do.

317. Is it not generally supposed that the theatres are principally filled by visitors passing to and fro through London?—Do you mean the major theatres or the minor theatres, or all?

318. The major theatres formerly, and now the minor theatres?—I think not; I think there are a great number of habitual play-goers still in London; and there would be a great many more if they had theatres of a proper size, with a sufficient variety of good actors, and sufficient encouragement for good plays.

319. But is not there now a great progress of religious opinion against the propriety of theatres; are there not large bodies of dissenters who will not go to the theatre at all?—That is a point to which I will not speak decisively, but my own experience leads me to think that is not the case.

320. Would you not say that the prejudice on the part of the public to the immoral tendency of theatres, is in a great degree owing to the gross immorality seen in the larger theatres?—In the audience part of it, you mean?

321. Yes?—I think it is in a great degree; and I think it is a most decided objection to any man carrying his wife or sister to the theatre, when he is compelled to take them through a crowd of women of notoriously bad character.

322. Does that prevail a good deal less at the smaller theatres?—I do not know that it does, in proportion, prevail less.

323. There are not the same facilities, saloons and so on?—No: in proportion to the accommodation, I think it is equal in the small theatres, but they have not the same accommodation.

324. Cannot you get into the first circle without encountering any of these creatures?—You can by a recent regulation.

325. Do you think there is now a desire on the part of the public for more theatres than at present exist?—There is a desire, as far as my experience goes, on the part of the public for more theatres at which the legitimate drama may be represented properly.

326. You think the wish of the public is for the legitimate and regular drama, then?—I think it is; at the same time that depends entirely on what you mean by legitimate and regular drama. I call the regular drama, any drama which has good dialogue, good characters and good morals; I make the word "legitimate," as applied to the drama, depend on the nature of the plot, characters and dialogue.

327. You do not think a harlequinade is part of the legitimate drama?—I think

Mr.  
J. Payne Collier.  
15 June 1832.

not, though it may be presented at a legitimate theatre; but when I speak of legitimate drama, I do not mean legitimate in point of antiquity, for then the grossest absurdities may be brought in: I do not think the legitimate drama depends on any number of acts.

328. Does it depend on the morality of the play, do you think?—Not the least in the world; I distinguish between the moral of a play and the morality of a play.

329. Because you stated so?—No; the word morality is to be taken with reference to the age in which we live; that which was legitimate in Wycherley's time is still properly called legitimate, but it would not be an allowed drama, on account of its immorality: the taste of the public would, I think, prevent its being acted with success. At the same time, I doubt whether the legitimate drama ought to be acted without a certain degree of control; I do not think the state of the stage, if it were thrown open, would be such as by any means to dispense with that check which is at present exercised over the drama; on the contrary, it is my opinion that some control would be more than ever necessary then, for more licence than usual would be attempted.

330. Are you of opinion that permission to act the regular drama would increase the receipts of the minor theatres, unless that permission was also extended in point of time, during the same number of months; do you think they would get more than they do now by acting the regular drama?—I think a certain number of theatres would still find it their interest to represent the irregular drama.

331. But do you think their profits would be increased by the mere permission to act the regular drama, unless they have also permission to act it through the season, through the other months?—I think very likely the profit of the theatre would be increased, and certainly the profit to the public would be increased. I am not prepared to say whether the money received would be greater or less, but I apprehend it would be as great. If people could see the regular drama, tragedy and comedy, well acted at theatres as large, for instance, as the Haymarket, it would be with a greater degree of enjoyment than at the winter theatres, according to their present proportions.

332. Do you think it would be to the advantage of the large theatres which are now existing, if the monopoly was entirely thrown open, and any theatre was licensed to set up and perform the regular drama; do you think the theatres now existing would be in a better situation if the monopoly were entirely thrown open?—Not at first; I allude to the two winter theatres.

333. But I include minor and major; do you think they would not be sorry to have the monopoly entirely thrown open?—I do not think the minor theatres would be sorry, I think they would be rejoiced at it; the major theatres would most likely have cause to regret it in the first instance, but I doubt whether afterwards they would not find it to their advantage to reduce the size of their theatres, and to shape themselves to the taste and spirit of the times.

334. Do you not think the wish is rather confined to the desire of the minor theatres that actually exist to get an increase of encouragement for themselves; would they like to see other minor theatres rising up around them?—I do not know that they would, but at present they may do that if they choose it at their own peril. That theatre in the Strand and another in Westminster exist in defiance of the Lord Chamberlain, but he has no more power than I have to prosecute for a penalty; a penalty is incurred by every actor who performs in unlicensed theatres, the penalty is 50*l.*: the Lord Chamberlain can but proceed for the penalty, which a common informer may do also; the major theatres could do it if they thought it to their interest; and if they have not done so, they cannot take advantage of their own neglect, and say, we are ruined because the Lord Chamberlain has not put down the minor theatres.

335. Do you think one of Shakspeare's tragedies could be played with the same effect at a minor theatre as at Covent Garden?—It depends on what you mean by a minor theatre.

336. The Haymarket, for instance; you have Kean performing there?—I do not think that is a fair test, for he does not play so well as he used to play.

337. Is tragedy given with so much effect?—That is a question partly as to the merits of the company: at present I do not think the company is calculated to perform tragedy well. So far as my opinion goes I should say that the size of the Haymarket theatre is sufficient for the proper representation of tragedy, and I have  
seen



seen and heard it there to better advantage (under equal circumstances) than at Covent Garden or at Drury Lane.

338. I think you said you were Mr. Colman's deputy last autumn, for licensing plays?—I was.

339. What were his instructions to you at that time?—It was a private conversation, but I do not suppose there would be any objection to my stating them.

340. What did you conceive to be your duty?—I considered it my duty to act according to his instructions, being only his deputy.

341. And what were they?—I did not exercise (at any rate in that degree which I should otherwise have done) my own discretion. His instructions to me were those that I should have given myself under similar circumstances, to strike out or object to any profaneness, immorality, or anything political, likely to excite commotion.

342. Is the examiner of plays sworn on taking office?—I am not aware; his deputy was not.

343. Did you license many plays?—No, very few; it was in the season when there were only a few to be licensed. I may perhaps mention here that my knowledge of the mode in which the licencer discharges his duty, and has discharged it from the first up to 1824, is derived from having in my possession by purchase all the plays that ever came into the licencer's hands, with his notes and corrections upon them, and the passages marked to which he objected; so that with respect to every piece that was refused a licence at a theatre, I know on reference to it why that licence was withheld.

344. Did you ever read Mr. Colman's *John Bull*?—Yes.

345. Should you have licensed the whole of it, if it had been placed before you?—I have not any sufficient recollection of the particular passages to be able to answer that question.

346. Nothing struck you at the time you read it?—I am not aware of that; I dare say it is 10 years since I read *John Bull*, it is seven or eight years since I saw it; indeed I am not sure that I have seen the whole of it since the time of Cooke, when he played *Peregrine*.

347. Do you know what the form given to Mr. Colman is, as it was originally given to him by the Lord Chamberlain?—I do not. I put in my pocket, for the information of the Committee, should they wish to inspect them, two plays which early in the period of licensing were rejected by the licencer. One of the first plays rejected by the examiner was Thomson's *Edward and Eleanor*, which I think was sent in in 1740: there are two passages marked in it, which show precisely to what the licencer objected. I put in my pocket also Reed's *Register Office*, which was refused a licence in the year 1761; there the passages which were objected to are marked: but I have brought with me likewise a copy which was sent in the second time to the licencer. In the first instance he rejected it generally, upon which Garrick and Lacy a very short time afterwards sent it again to the licencer, stating that as many alterations had been made in it since he before saw it, they submitted it again to his judgment (when I say the licencer, I mean the examiner of plays, for the Lord Chamberlain is in fact the licencer); and on referring to the second copy I find that almost all the objectionable passages are still preserved, as the Committee may see, because the licencer has marked under every one of them. Oaths, for instance, are retained: "for the blood and soul of me," was a passage which the licencer objected to, and other coarse phrases. There is one passage which was struck out because it attacked a particular religious sect. I only brought them down with me in case the Committee wished to refer to them, to see the manner in which the licencer formerly exercised his critical power.

348. Have you no copy of any passages which were erased lately by yourself or by Mr. Colman?—I had no occasion to erase any.

349. On looking over the plays in your possession, should you say that the power has been exercised capriciously?—I should say that in two or three instances it had been exercised in a manner I should not have pursued. I refer particularly to Macklin's *Man of the World*, which was long struggling for performance, and of which three copies were sent in to the licencer, with various alterations, before it was allowed.

350. By what authority does Mr. Colman exact a fee of two guineas for everything he looks over?—I am not aware, unless it be from prescription.

351. How many days are they obliged to send a play in previous to its being acted?—The statute requires 14, but it is sometimes two or three days only.

679.

D 3

352. Suppose

Mr.  
*J. Payne Collier.*

15 June 1832.

Mr.  
J. Payne Collier.  
15 June 1832.

352. Suppose the proprietor of a theatre does not wish to act the play till the expiration of those 14 days, and it is submitted to you to be licensed, and he refuses to pay you the two guineas, can you refuse the licence?—That must depend on what foundation there is for the claim of two guineas; if there is a legal foundation for it, either by prescription or by statute, that is sufficient; and under those circumstances he could refuse the licence without payment.

353. You were not aware, when you acted as deputy, what fees you had?—I acted without emolument; the Duke of Devonshire desired me to read the plays, in order that I might decide whether they could properly be licensed; it was very little trouble for me, and quite in the way of my own pursuits at that time.

354. Mr. Colman received the fees?—I acted for him, and received the fees on his account.

355. Has the Act requiring 14 days expired?—That is the Act of 1737; if I recollect rightly, it requires it.

356. Can they wait till after the 14 days have expired, and then act the piece without paying the duty?—Do you mean, suppose a piece is sent in to the licencer, and he keeps it more than 14 days, that they can then act it without his licence?

357. Yes?—I should think not; but I have had no experience with respect to that.

358. What do you consider would be the consequence, if the play was not licensed?—I do not know what may be the consequence of any neglect on the part of the examiner of plays; I do not know what remedy the theatre might have, whether it would or would not have an action for the loss it sustained. Suppose, for instance, a piece were sent in to the examiner at the proper time, and he kept it 14 days, and did not return it till the fit season for acting it went by, I apprehend that they might have a remedy against him by action.

359. There is no remedy by the statute?—I am not aware of any. I speak of an action at common law.

360. What do you consider with respect to the licence; do you consider, if playing could go on without any licence at all, that the public would allow an immoral play to be acted, or any seditious play?—I do not know they would allow a very seditious or a very immoral play to be acted, but that they would allow immorality and sedition I think is probable.

361. You think upon the whole the licensing system, so far as that goes, is advantageous?—Yes; and I think, taken as a whole from 1737 to the present time, it has been fairly exercised.

362. Are you aware that Miss Mitford's *Charles 1st* was refused by the licencer on account of the liberties it took with the character; and are you aware that Shakspeare takes the greatest liberties with the character of *Henry 8th*?—I think the cases are not parallel: the reason why the licence for *Charles 1st* was refused, I suppose (not knowing anything decisively of the fact) was, because there was something in the state of the times, a disposition to think lightly of the authority of Kings, or some public feeling of that kind, which rendered it then objectionable. The play of *Henry 8th*, if my memory serves me, was not acted till after the death of Elizabeth, and there is nothing in that which does more than excite a personal dislike to *Henry 8th*: I beg pardon; when I say it was not acted till after the death of Elizabeth, I am not sure whether I ought not to correct myself, for I think the prophecy at the conclusion was written with a view to compliment her. It was not printed until after the death of Elizabeth.

363. With respect to the star system that has been adopted by the two great theatres, do you think that it has been hostile to dramatic literature, especially to any new plays?—Certainly, inasmuch as it induces authors to write plays for particular actors, instead of composing them for a whole company capable of representing them; inasmuch too as it induces managers of theatres to neglect all the inferior parts of plays, and to rely entirely on one performer: when I call them inferior parts of plays, I call them so in reference to the hero and principal characters, not that they do not require considerable talents to act them properly.

364. With respect to licensing, do you consider that the licensing the theatres is best carried into effect by a Lord Chamberlain, or would it be equally well done through a magistrate or any other channel of licensing?—I hardly feel myself competent to answer that question; but it seems to me that the power has been exercised, as far as my experience goes, very unobjectionably hitherto by the Lord Chamberlain; and that the magistrates cannot exercise that control or keep up that inspection which is necessary in order to prevent the abuse of their own licences.

365. Suppose

365. Suppose for instance the trade was thrown open, and there were a great number of minor theatres legally established for the performance of the legitimate drama, you would still, as far as your experience and opinion goes, allow the Lord Chamberlain to license?—Yes.

366. Within the city of Westminster I suppose, leaving to the magistrates the power of licensing the Coburg theatre, and the theatre in Southwark, as they are at this moment?—Certainly not; inasmuch as I consider it an advantage to have theatres licensed by the Lord Chamberlain, and a disadvantage to have them licensed by magistrates: a proof of that is to be found in the great abuse which exists in theatres licensed by magistrates, where they have no control or inspection. The only control the magistrates have over a theatre after they have licensed it, is that they can refuse the licence next year: they may have some other control, but I am not aware of it.

367. Will you allow me to ask whether you would give to the Lord Chamberlain the power of licensing theatres not only throughout the whole metropolis, but throughout the whole kingdom; for instance, in all large towns would you allow him to be the person to license them, or would you allow them to be licensed by magistrates?—That is a difficult question: I should feel that he cannot exercise any control or power in places that are so distant from him; perhaps there might be that objection to so great an extension of his authority.

368. Your argument about the advantage of the Lord Chamberlain's inspection could only apply to London?—I do not mean personal inspection, but general information and control. We know little or nothing in London of what passes in country theatres; the magistrates who reside in the country would know more about them; but as far as relates to London and the vicinity, it seems to me that it would be an advantage to have the whole under one individual and under one system.

369. Would you make it compulsory on the Lord Chamberlain to license a theatre if the majority of a large parish signed a requisition to him, or would you leave it entirely to the discretion of one individual: do you not think it might safely be left to the majority of any parish to desire another theatre to be built: do you not think if they were to present that as a requisition to the Lord Chamberlain, he might be compelled to grant a licence, always having the power to take away the licence if there was anything improper?—I am of that opinion; the advantage of the licence would be, not that it could be refused, but that it could be recalled.

370. If a case could be made out of abuse?—Yes.

371. Would it not be difficult to take it away when it had been once granted?—I should think not if the abuse were notorious and proved; it was constantly the case of old. It was recalled, or at least companies were silenced, even on the authority of the Master of the Revels; the Master of the Revels had the power of negating the performance at any theatre he chose, and for any length of time.

372. Are you aware that some of the minor theatres have acted the regular drama in spite of their licences not extending to it?—I am.

373. And when they did so act the regular drama were their profits increased?—I should doubt it; but then the plays were not acted in a manner calculated to attract; the company of performers was not of such a nature as to enable the manager to produce a play to the best advantage; but I think if the system were altered, the companies would be very much improved, and I think there would be an encouragement to actors which does not at present exist.

374. But was it not the case that when they so acted Mr. Kean was one of the actors?—That is making it a personal question; my opinion of Mr. Kean's acting is that it is very inferior to what it was formerly.

375. But the fact was that he was one of the actors?—I believe he was. I did not see him, and I do not know how he then acted, whether well or ill. I know that he acts with great uncertainty, and that within the last fortnight he has performed very well and very ill.

376. Did not Mr. Chapman fail?—I am not acquainted with the facts; I do not know whether he failed or not.

377. Your giving it as a reason that the patent theatres are so inconvenient in point of size, how is it that all the country theatres, which are so much smaller in point of size, have so repeatedly failed?—That is a matter which I am not acquainted with, for I do not know whether they have or have not failed. The general report is that they are not flourishing.

378. I believe it is notorious that the country theatres and country acting

Mr.  
*J. Payne Collier*  
15 June 1832.

Mr.  
J. Payne Collier.  
15 June 1832.

is at a very low ebb at present?—Upon that I must remark that in London play-writing, generally speaking, is at a low ebb, and country theatres have not had the same means to draw audiences by having good plays from London.

379. But how is it, that as these country theatres are so much smaller, that circumstance has not helped them much, even when they had London performers?—It is my opinion that a theatre ought not to be below a certain size. I think a certain size is necessary for the proper representation of a play. A certain sized stage is necessary; a certain distance between the audience and the stage is necessary; and as far as my experience goes, except in a few places like Bath, the theatres in the country are not calculated to represent plays with advantage.

380. Is an oratorio subjected to the licencer's determination?—I believe any new songs sung at an oratorio are subject to a licence; whether they are licensed or not I cannot tell: they used to be licensed. I know that every oratorio of Handel's was sent to the licencer before it was performed, because I have the original copies in my possession.

381. Do you not think two guineas an exorbitant sum for looking over a song?—For a song it may be, but certainly not for a play.

382. Why not?—Because it requires a certain time to read it, and to deliberate upon it, for the responsibility is great. There are many men who would do it for less; very likely under particular circumstances I would; but it does not strike me that two guineas is too much for arriving at a knowledge of it and deciding upon it.

383. But the examiner receives an annual salary also?—I know he does, but it is small I believe. I do not know what it is.

384. Did you ever know an instance of a performer disregarding the corrections of the examiner?—Not of my own knowledge, but I have heard it stated by authors that they have; and I have heard this stated by authors too, that at theatres where pieces called burlettas (whether they are so or not is another question) are performed, which require a certain number of songs in them in order to come within what is considered the popular definition of burletta, those songs have been sent to the licencer, and he has licensed the piece with them, but it has been played without them, in opposition to the terms of the licence of the theatre.

385. But where words have been erased, have you not known instances where they have been put in again?—Several instances have, I understand, occurred.

386. What is the use of an examiner in that case?—The performers do it at their own peril: they are liable to a prosecution for doing it.

387. What means does the examiner take to see that his corrections are followed?—I am not aware that he takes any.

388. But he ought?—According to the Act, I believe, he is only required to read and license.

389. And afterwards the play takes its chance?—As far as my knowledge goes: I believe the instances are rare in which the examiner's authority is disputed in that public manner.

390. But under the Act, if any person chooses to inform against the performer for doing so, he is liable to a penalty?—He is. I speak not from a distinct and immediate recollection of the Act.

391. How am I to know what the examiner has cut out; suppose I do not know what corrections have been made: surely it ought to be the duty of the examiner to see that his instructions are obeyed; receiving this large salary, and these fees, it appears that he ought to do more?—That is a matter of reasoning; but if he were required to do that, he must be present at every theatre on every night that every piece he has licensed has been performed. Suppose, for instance, he has licensed two pieces, one at Covent Garden and the other at Drury Lane, he must have ubiquity, or he cannot be present at those two theatres at the same time.

392. He has no power of enforcing his corrections?—He has no power, I think, beyond that which every individual possesses, that of prosecuting for the penalty.

393. Do you not think, that in the absence of any licence, which seems to be contemplated by some, that there would be great danger of pieces becoming very political?—I think they might.

394. I think you said there was a great want, on the part of the public, of novelty in actors; do you think that allowing the legitimate drama to be acted at a number of minor theatres would afford a large nursery for actors and actresses, with regard to the public?—I think it would. I know there are disadvantages connected

connected with acting at minor theatres, and that performers contract bad habits by acting to worse audiences; but those are habits they contract as well in the country as in London in playing at small theatres, inasmuch as the audiences in the country, I take it, in general, in point of education and judgment are not on a par with audiences in London even at minor theatres.

395. Then if you think a censorship is necessary, I suppose you mean there should be some remedy in case of a capricious exercise of it?—Certainly: there is at present a remedy by appeal to the licencer himself; that is the Lord Chamberlain.

396. But none beyond that?—Not that I am aware of.

397. You would not, I suppose, think it advisable that unlimited power should remain with the Chamberlain, in case of a complete power of censorship being vested in him?—I should doubt whether it would be convenient; I think there ought to be an appeal beyond that.

398. To a court of law?—To a court of law, perhaps. There have been instances in which authors have thought themselves injured, and their only remedy at present is by a publication of the play.

399. How are the public to know what immoral and improper expressions have been struck out by the examiner?—There is no way that I know of, unless it be by the production of the copy which the examiner keeps by him in justification of his own act in licensing or refusing a licence.

400. Would it not be a proper thing for the examiner at least to send to the managers of the theatres a copy of those corrections he has made, so that the managers of those theatres might be responsible to the Chamberlain that his directions were observed?—I believe it is constantly done. I believe the examiner of plays always sends in writing a statement of the parts of the play to which he objects. I do not think he gives his reasons, but he distinctly states what he objects to.

401. That is the practice?—That is the practice.

402. Does that species of monopoly which is now enjoyed operate oppressively on the actors; and has it any effect with respect to the talent of actors?—In one respect I think it does, and perhaps in more; but at all events monopoly operates injuriously at present in this respect, that if the winter theatres be closed before the usual period of the season, the manager may say to his performers, "I will not engage you next season if you act at any minor theatre;" and the actor then will have no remedy, for he has no other theatre to go to. He cannot act at a minor theatre, because he prefers an engagement at a winter theatre even under such disadvantages.

403. And then there is a species of injury to that actor?—I think monopoly is injurious to actors.

404. Do you conceive that the establishment of minor theatres would have a prejudicial effect upon actors, as a school of acting, as opposed to the great theatres?—Upon the whole I think not.

405. You do not conceive that the larger salaries the larger theatres might afford to give, as compared with the minor theatres, would prejudice rising actors in making them prefer the larger to the smaller theatres?—If I understand you rightly, an actor would always prefer that theatre where he could get the largest salary, whether at a major or a minor theatre, if they be on equal terms as to licence.

406. In that case, if there were only two large theatres and 10 small ones, the large theatres would be the temptation for actors to go to?—If they can afford to give them larger salaries at larger theatres; but there are instances where large salaries have been refused at the large theatres, and given at a minor theatre. If I am not misinformed, in the last season Liston received at the Olympic theatre more than he would have obtained at Covent Garden or Drury Lane.

407. You conceive that small theatres would not prejudice actors as a school of acting, inasmuch as they could afford from their profits to give as large pay to the good actors as the large theatres could?—I think they could, but I am not sufficiently experienced in the details of theatres to be able to answer that question distinctly.

408. But the large theatres of course never give high salaries, unless the actor has given previous proof of his talent?—Most likely; and as to minor theatres being a bad school of acting, it is to be observed that country theatres are to all intents and purposes minor theatres, and that is the present school of acting.

409. And is it not so far injurious, that in those theatres they either very rarely

Mr.  
J. Payne Collier.  
15 June 1832.



Mr.  
J. Payne Collier.  
15 June 1832.

enact the regular drama at all, or else to inferior audiences, on account of these dramas not being frequently acted on these stages?—At the minor theatres the school of acting is injured by their not being allowed to act plays that allow of the best acting being introduced into them. A minor theatre would be a much better school of acting than it is, if it were allowed to act plays that require good acting: though they now do it by assumption and against law, yet the rest of the company is not at all qualified to support the person for whom they have principally brought forward the regular drama.

410. I think I understood from you that the censorship, either by the Lord Chamberlain or the Master of the Revels, was exercised with respect to other works not dramatic, in former times: was that the case?—Yes; there are proofs that Sir Henry Herbert, when he was Master of the Revels, licensed not only plays for publication, (he licensed them, be it observed, for publication as well as representation,) but he licensed poems also unconnected with the stage.

411. Was he the only person you have any trace of as having exercised that power?—He is the only person whose books of account have descended to us, so as to enable us to judge upon that subject. The accounts of the former Masters of the Revels are all lost, or they kept none.

412. You say that the Chamberlain now has and exercises the power of licensing provincial theatres royal?—He has the power of licensing plays for provincial theatres royal; and before any new play can be acted at York, Bristol, Edinburgh, and I think Hull, it is necessary it should be sent up to London to be licensed.

413. But there are other theatres in the country, not called royal theatres, and does not his power extend in the same manner to them; have they the power to introduce new plays without his licence?—I do not know whether they have the power to do it; I only know as a matter of fact that I have in my possession plays sent up from the country to be licensed.

414. With respect to the taste and feeling of the public, are they successful; are their pieces or farces, though not distinguished by superior moral or intellect, equally emolumentary with those pieces of the superior drama which are occasionally introduced?—I should think they were, as varieties.

415. That would rather oppose the general line of your evidence on that subject, as to the taste of the public being in favour of superior efforts of intellect?—Perhaps I did not make myself understood: I do not know that the taste of the public is such that it would only be satisfied with the performance of tragedy and comedy of the best kind, inasmuch as we know that for a number of years a tragedy or a good comedy have been followed usually by a light farce, which is taken as a sort of lively dismissal of the audience, and I think it is sometimes an agreeable relief to the mind, especially after a tragedy. I do not think (putting an extreme case) that if two tragedies were represented on the same night, they would be so attractive as a good tragedy and a good farce.

416. Suppose a good comedy to be represented at Drury Lane, and a good tragedy at Covent Garden, each of equal merit respectively, which would be most emolumentary to the respective managers?—I rather think experience shows that tragedy, supposing it to be equally well acted, is the most attractive: I rather think so.

417. Then you think, if the patent theatres were confined to the acting of the regular drama, tragedies and comedies and that description of representation, it would be very injurious to them. In Paris you would call the *Francais* the classical theatre, and they are only allowed to act what you call the regular drama; they do not act light pieces?—They act farces after the plays, farcical pieces; for instance, I remember seeing *Talma* in *Œdipe chez Admète*, and *Les Plaideurs* was acted after it.

418. That comes strictly under the head of the regular drama?—Yes. I consider all farce as belonging to the regular drama whether it is in one act or two, or even in five acts.

419. But that would exclude pantomimes, burlettas, and so on?—I consider pantomime not the regular drama; I consider burletta not the regular drama; they are acted at the legitimate theatres, but they are not the regular drama.

420. Do you think a theatre under such restrictions as the *Francais* in Paris, would succeed in London?—I am not sure of that; if they were never allowed to act anything like pantomime or spectacle, I am not sure that they would. However these are all matters of opinion; I speak on conjecture. My opinion is that a theatre cannot succeed if it is confined only to tragedy and comedy, without farce or some lighter performances. We have been so accustomed to look for a pantomime as part  
of

of the attraction of a theatre, especially at Christmas, that one can hardly suppose the carrying on of a theatre for a season without one.

421. In the exercise of your duty as examiner of plays, suppose the word "angel" was applied to a woman on the stage, should you erase it or not?—Certainly not, speaking for myself, if it were not applied profanely: if a man in love were to call his mistress "my angel," I should think it no profanation; I should think it an ordinary expression of speech.

422. "Gracious heaven," for instance?—I should not object to that. I should object to the unnecessary introduction of the name of the Creator on any occasion; but at the same time I should take this distinction, that expressions of this kind are to be allowed in tragedy, which is a serious representation, which in a comedy are not to be allowed. For instance, we see in *Lear* the old king kneel and imprecate a curse even on his child. In a comedy anything of the kind would be very revolting. The situation could not occur, but if it could it would be offensive, inasmuch as it would not be at all consistent with the rest of the performance.

423. Do you think it would be injurious to the public morals if plays were allowed to be acted on Wednesdays and Fridays in Lent, or on the 30th of January?—That entirely depends on the respect which people feel for Lent.

424. Do you think it would be repulsive to the public feeling?—Not generally; but at the same time I am well persuaded that it would be employed as a handle by a certain part of the public to attract odium to the theatres.

425. Does it attract odium at the Coburg or the other theatres out of the jurisdiction of the Lord Chamberlain, for they act every night?—Except in Passion-week; I believe they did not then.

426. But on Wednesdays and Fridays during Lent?—I believe they did; but I think the theatres on that side of the water are so lawless that people are not accustomed to view them with the same eyes as those with which they look at the proceedings of other theatres.

427. The inhabitants on that side of the water you consider are less civilized?—I never resided on that side of the water, nor am I acquainted with many people who live there; therefore I am not competent to decide. If the inhabitants of that side of the water are more ignorant and worse informed than on this side, the chance is they would be more bigoted.

428. But on the other side of Oxford-street, in Tottenham-street, they play there during Lent, they play there on Wednesdays and Fridays during Lent. Do you believe public odium has been directed against that theatre on this account, or are the people less religious than they would otherwise be?—I am not competent to judge whether it is more or less; but as a fact I can say, that so little odium do I suppose it has excited, that it never reached me that they did perform there.

429. Do you suppose what passes within the walls of a metropolitan theatre is a complete proof of the state of morals of the people?—Not at all, for it is notorious that the morals in the neighbourhood of the theatres are always inferior to other parts of the town.

430. But if there is no complaint in Marylebone against that theatre for playing in Lent, why should there be in other places?—I am to be understood as not stating my own opinion, for personally I should feel no objection to the theatres being open on Wednesdays and Fridays during Lent, or perhaps in Passion-week either, but I only think it would give the enemies of theatrical representations a handle against theatres which they do not at present possess.

431. Who do you consider enemies to them?—That class of persons who are usually considered Methodists; in fact the descendants in opinion of the original puritans, who have been enemies to dramatic representations from all time during which we have any records of the existence of theatres.

432. But that is not a numerous body at present?—These are matters of doctrine and discipline more than anything else, but I apprehend the opinions of some classes of Methodists are decidedly puritanical.

433. But they are not numerous?—The Methodists?

434. The people you have been talking of, the descendants of the Puritans?—I am speaking of the bigotry which I think has descended.

435. I suppose you would not recommend them to act on Good Friday?—No, I was only speaking of my own private opinion upon that subject, and certainly forgetting Good Friday. Many people would, I believe, be greatly offended at any representation in Passion-week, and if it produced anything like immorality I should object to it; but possibly I do not feel to the full extent what others may feel

Mr.  
J. Payne Collier.

15 June 1832.

Mr.  
J. Payne Collier.  
15 June 1832.

respecting the sanctity of Lent, or of Wednesdays and Fridays in Lent. I should have a stronger objection in Passion-week than on Wednesdays and Fridays in Lent; and I think that even the prejudices of the great body of people are to be consulted.

436. Do you think any class of people would object to the theatres being open on the 30th of January, king Charles's martyrdom?—I do not think they would. People have been accustomed to regard that rather as a holiday than as a fast.

437. As you say a greater degree of immorality always exists in the neighbourhood of theatres, would it not be increased by an increased number of theatres?—I think perhaps it might in the immediate neighbourhoods, but they would be smaller and more divided; the theatres would not be so large, and the persons attracted there would not be so numerous.

438. Then the immorality depends on the area of the theatre?—I think it will depend on the number of persons the theatres contain. If it contain 1,000 persons there will not be so large a bad neighbourhood round it as if it contains 4,000 persons.

439. Is there anything of that nature perceivable round the two large houses?—I think it exists in a degree, and it is a very ancient complaint against theatres, that they collect a bad neighbourhood round them.

440. You think that the character of the neighbourhood of those two theatres is to be attributed to its vicinity to the theatres?—In a considerable degree. I am of opinion, that the number of houses of ill fame in the neighbourhood is much owing to the number of women of the town who frequent the theatres.

441. Have you no means of judging whether the houses of ill fame in the neighbourhood of the two great theatres bears a proportion to the number round the small theatres?—I have no sufficient means of judging, but my opinion is that it is in proportion. I beg to state again, that I consider it in proportion to the size of the theatres, and that the quantity of immorality in the neighbourhood will depend on the attraction of the theatre. If a theatre is well attended there will be a number of persons in it disposed to frequent houses of ill fame.

442. Now you are strongly of opinion that a censorship is necessary; but why is an immoral or seditious representation on a stage more injurious to the public morals than an immoral poem or an immoral prose work?—For this reason: first of all for the old maxim, that what is objectionable is presented to the eyes; next, because it is presented to the eyes and ears in the most attractive manner; and also, thirdly, because what is presented to the eyes and ears, instead of being offered to one reader, as in the case of a book, is presented to hundreds or perhaps thousands of persons at once.

443. But a poem of decided talent has quite as many readers as a play has auditors, and therefore must eventually produce as great an injury?—That may be, but I do not think poems of a decidedly immoral character, with very few exceptions, have permanent influence: they sink into oblivion. We know that Prior is almost the only poet who is popular now whose tales are very indecent.

444. You are of opinion that the common remedy by prosecution at common law would not answer as a substitute for a licencer with an inspection of dramatic performances?—I think it would not, by any means, so effectually.

Mr. William Dunn, called in; and Examined.

Mr. William Dunn.  
15 June 1832.

445. YOU, I believe, belong to Drury Lane theatre?—Yes.

446. In what capacity?—Treasurer and secretary to the committee of the theatre.

447. Do you consider Drury Lane theatre is possessed of any exclusive rights by patent?—I do.

448. What are those rights?—To act the legitimate drama.

449. What do you mean by legitimate drama?—Tragedy, comedy, opera, farce and other entertainments of the stage, and pantomime.

450. What other theatres do you conceive have the same power?—Covent Garden.

451. No others?—No others; and the Haymarket.

452. You mean Morris's theatre?—Yes.

453. If the smaller theatres, the minor theatres, act the legitimate drama, do you consider that as an infringement of your patent?—Certainly.

454. Where do you find in your patent the passage that gives you that power?—I think the words in the patent give that exclusive right.

455. It



15 June 1832.

455. It is the Lord Chamberlain who gives you that power, is it not?—The 21 years' licence.

456. That exclusive power is granted to you by what?—It is given by Killigrew's patent, and we have the same power, I understand, under the Lord Chamberlain's licence for 21 years.

457. How is it given you by Killigrew's patent?—Having possessed ourselves of that patent.

458. What does it state in that patent?—I do not know the exact words of it.

459. Have you got it here?—I think it is here; I think it is in the Committee room.

460. Has not that patent been abrogated since and repealed by the Act of Anne: in the reign of queen Anne is not there a fresh licence granted to those theatres, which repeals the old and former licence given to Drury Lane by Charles?—Drury Lane has played under a 21 years' licence, and it was renewed in 1816, because it did not possess Killigrew's patent at that period. When the theatre was about to be rebuilt after the fire in 1809, Mr. Sheridan was extremely desirous, in conjunction with Mr. Whitbread, to re-erect the theatre, and it could only be done by subscription, and not having the patent in his possession (having only paid a certain instalment towards it) he was not enabled to go before the subscribers with a sufficient inducement for them to subscribe to the rebuilding of the theatre.

461. In 1809 Drury Lane was in possession of no patent?—It had a portion of a running patent for 21 years, of Garrick's, which was not then out.

462. But it was not possessed of Killigrew's patent at that time?—No; it had paid 11,000 *l.* towards a payment of 20,000 *l.*

463. But now you are possessed of Killigrew's patent you would not think it necessary to apply to the Lord Chamberlain for a renewal of the 21 years' licence?—Not at all.

464. You claim the same powers and privileges as Covent Garden?—Yes, they are playing under Davenant's patent.

465. Suppose the Lord Chamberlain was to grant a licence to any minor theatre, the Adelphi or the Olympic for instance, to play the legitimate drama, should you consider that an infringement upon your patent?—Certainly, without compensation, inasmuch as a large sum has been paid for this exclusive right. In addition to that, when Drury Lane theatre was burned down there was a debt of 500,000 *l.*: a compensation for that 500,000 *l.* was distributed largely to a vast number of individuals, and Mr. Whitbread always conceived that that compensation formed a part of the value of the patent, inasmuch as that was the value of the patent, because when the theatre was burned there was nothing left but the old materials and the insurance money, amounting to about 30,000 *l.* Then as Mr. Whitbread went forward to raise the subscriptions, a great portion of that money which was taken from the public by subscription went towards paying that compensation to these numerous individuals who had claims upon the late theatre. All that, Mr. Whitbread considered as a part of the value of the patent; for his argument always was, that if you had nothing but the old materials and the insurance money to divide, it would not have reached a tenth part of the sum.

466. But what is the peculiar advantage of this purchase of Killigrew's patent for 20,000 *l.*?—To avoid the necessity of applying to the King for a renewal of the 21 years' patent.

467. Do you deny the power of the Lord Chamberlain to license the legitimate drama at a minor theatre?—Why, I am not prepared to go so far as that. I do not know what the powers of the Lord Chamberlain are.

468. Would it be an infringement upon your patent?—Yes, I should consider it so, without compensation.

469. How could you calculate that compensation?—That which has been given for the patent, and expended and paid to individuals, drawn out of the public pocket.

470. Does the patent mention that you are to receive compensation?—Not at all.

471. Do you consider that Killigrew's patent was eternal?—I believe it is

472. That it lasts to the end of time?—I believe so.

473. But has there been any compact entered into between Drury Lane theatre and the King or the Lord Chamberlain, not to license any minor theatre for the legitimate drama?—In the year 1792 there was an arrangement between the Italian Opera-house and the two patent theatres, under the sanction of the then Prince of

Mr. William Dunn.

15 June 1832.

Wales, Lord Salisbury and the Duke of Bedford, and it was then stipulated that the Italian Opera-house should play two nights a week, and that Drury Lane and Covent Garden should not play Italian operas, but should keep to the drama; and that the Opera-house should play only those two nights, except in cases of benefits on a Thursday, and masquerades and so forth. There was likewise a sum of money awarded to the Pantheon. I think Mr. Greville had a licence at that period; however, a sum of money was paid to him to withhold his licence from the Pantheon at that period.

474. What was that sum of money paid for?—To withhold the licence that was granted at that period.

475. Not to withhold the licence?—To let it lie dormant, I think, but I am not quite certain; I had rather not speak positively to that. In short, I have been called on without referring to documents upon this question; I could, if I had had a day's notice, have spoken more clearly upon that point.

476. You do not mean to say the Crown has not the right of giving as many patents as it pleases, in spite of this Killigrew's patent?—Certainly not.

477. You said that Killigrew's patent gave you the power to act the legitimate drama only; you do not call the Italian opera the legitimate drama, suppose you were to play that there?—I think we should be entitled under Killigrew's patent. I do not know, but I do not believe the patent says anything about legitimate drama.

478. In short it has nothing to do with the regular drama?—I think we should be entitled to play it had we not entered into that arrangement with the Opera-house not to play Italian operas under Killigrew's patent. If we had not entered into that arrangement the theatre would have been benefited as to letting; it would have been let for a higher sum materially, with the privilege of playing Italian operas. We have let the theatre for many years, and we have always stuck to that regulation. We have never allowed the performance of Italian operas, but I have no doubt that if we had been allowed to act Italian operas, and it had not been for that arrangement of 1792, we should have got 4,000*l.* or 5,000*l.* a year more rent.

479. Should you have thought it necessary to have applied to the Lord Chamberlain for a licence for the Italian opera?—Not setting aside that arrangement.

480. Where is the original Killigrew's patent?—I have it in my possession.

481. And does it say "for ever;" does it contain expressions which do not limit its duration?—I think it does.

482. You are not sure upon that point?—I am not sure.

483. One would hardly think it could be quite unlimited in its duration?—I am not sure; there is a copy of it in the Committee room now, I believe.

484. Do you think the Lord Chamberlain has the power of licensing the German and Italian opera consistently with your patent?—I think not, certainly.

485. You say that the playing of the legitimate drama at the minor theatres would be an infringement upon your patent: do you think it would be an injury to your theatre?—Materially.

486. Why?—Because I think the drama itself would suffer very materially.

487. The receipts of your theatre would be diminished?—No doubt, I think, they would.

488. You think the public prefer seeing the legitimate drama at minor in preference to great theatres?—That would depend very much on the mode in which they were able to represent it.

489. As they do give it, in point of fact?—No, certainly not as they do give it. I should think the public would prefer seeing it at Covent Garden or Drury Lane.

490. Then throwing it open could not do you any great harm?—It might have the effect of seducing the performers away from the major theatres, whereby they would not be enabled to represent plays as they are represented at present.

491. But can they afford to give greater salaries than you do?—That would depend on the patronage shown by the public.

492. It must be matter of speculation to make the attempt?—Entirely; but I conceive there are not performers, there is not the growth of performers rising up to play the legitimate drama even at a third theatre in London.

493. Do you suppose the mere permission to act the regular drama at these minor theatres would hurt the major theatres?—I think so.

494. If they were only permitted to do it during the same months and for the same time as they now perform?—I think so.

495. Suppose

Mr. William Dunn.

15 June 1832.

495. Suppose the Lord Chamberlain were to give to the minor theatres the power of acting the legitimate drama, what remedy have you against them for the violation of this agreement which is supposed to exist?—That is a question which I cannot answer. I do not know that we have any remedy.

496. No remedy at law?—I should doubt whether we have.

497. Then your patent is entirely at the mercy and caprice of the Lord Chamberlain?—The King, perhaps, would restrain the Lord Chamberlain from acting in that way.

498. Your only remedy would be by petition to the Crown?—By petition to the Crown, I suppose.

499. Has that been the usual practice or not?—We have constantly petitioned against the infringement of our patent.

500. The Crown or the Lord Chamberlain?—Both.

501. That was the remedy you adopted in the case of Mr. Arnold?—It was.

502. Are you aware what amount of compensation was paid for that debt of 500,000 *l.*?—Generally speaking, 5 *s.* in the pound.

503. You say Mr. Whitbread considered this compensation as part of the value of the patent; are you aware what were his reasons for so considering it?—Because he held it out to the public, in inducing them to subscribe towards the rebuilding of the theatre, that the possessing a patent and exclusive right was of such value to the subscribers that they might safely subscribe towards the rebuilding of the theatre, and that no other theatres would be allowed to play the regular drama.

504. What assurance had he that there would be no infringement, as it appears that it was at the will of the Lord Chamberlain at any time to license the regular drama at other theatres?—There had been very few instances at that time of any infringement, and he considered the patent quite sacred.

505. Am I to understand that there was any such assurance given?—I know from my own knowledge, and likewise from reports that were published from time to time, that that one circumstance of our possessing Killigrew's patent gave great facilities, and aided the subscriptions very materially.

506. But you do not conceive that the Chamberlain, acting with the authority of the King, was pledged to continue that patent, or not to infringe it; the subscribers merely went on common report, did they not?—I do not believe there was any pledge upon the report as given out by the Committee. Mr. Whitbread took the main part: a great part of the subscription was among his private friends.

507. Then the speculation was on common report, and not on any assurance?—I am not aware that any assurance was given.

508. Was any agreement signed; was there any document with regard to that arrangement, signed by any person?—In the year 1792?

509. Yes, in the year 1792?—It is signed.

510. By whom?—By the Prince Regent, by the Duke of Bedford, Lord Salisbury and Mr. Sheridan, I think.

511. And on that occasion the patentees were required to pay a certain sum for the patent?—Yes; 20,000 *l.* It was valued by Mr. Fox at 20,000 *l.*

512. Was that in 1792?—Yes.

513. But it is on Killigrew's patent alone that you claim your exclusive power?—Yes.

514. Was not that patent revoked, or rather abrogated, in the reign of Anne, in 1710, do you know, when both theatres were silenced and re-opened; are you aware of anything of that sort?—No, I am not.

515. In this arrangement sanctioned by the Prince Regent in 1792, Killigrew's patent was recognised?—Yes, and ordered to be purchased.

516. Who ordered it to be purchased?—The Prince Regent was a party to it.

517. And you were ordered to pay for it a sum of 20,000 *l.*?—Yes, 11,000 *l.* of which was paid at the time.

518. And the remainder was paid afterwards?—Yes; the original agreement, I think, was 16,000 *l.*, but there was five years' interest added to the sum that was due.

519. Then, whether Killigrew's patent was abrogated or not in the reign of Anne, it was recognised in the year 1792?—It was, by the then Prince Regent.

520. And you have a document to show that?—A copy of it. I believe the document is in possession of Mr. Mayhew,

521. But did you never hear of a licence given by Anne, by which the old patent

*Mr. William Dunn.* patent of Charles was destroyed and revoked: did you never hear of a document of that sort being in existence?—I do not recollect that I did.

15 June 1832.

522. When Anne granted a licence to Wilks, Doggett and Cibber: in short, the only claim you put your exclusive power on is Killigrew's patent?—That is all.

523. And then at the expiration of the 21 years' licence you would not apply for any fresh licence?—Not at all. When the Act of 1809 was passed for rebuilding the theatre, it was directed in the Act that the remaining balance due for Killigrew's patent should be paid.

524. That is in the Act of Parliament?—Yes.

525. Then it is again recognised in the Act of 1809?—Yes, in 1809.

526. And was that money in point of fact paid?—It was paid; 5,000*l.* the balance, and 4,000*l.* interest, running from 1792; the interest ever since the time when it was stipulated the original payment should be made.

527. Do you consider that the licence under which you act is waste paper?—Yes, possessing Killigrew's patent.

528. In the year 1816, and in 1831, when an extension of privileges for performances at the English Opera-house was attempted, how did you proceed; was it by petition to the King, or how?—By petition to the Chamberlain, I believe.

529. And upon your petition the case was referred to the present Lord Chancellor?—Yes, and to three other Judges.

530. And to what decision did they come?—Granting to Mr. Arnold an extension of two months beyond that which he possessed before.

531. Only two months?—Yes, only two months.

532. That is, recommending the King to do it?—Yes, and the King sanctioned their recommendation.

533. Then why did they restrain him to two months; was it in consideration of the property vested in the large theatres, or what?—I apprehend that was the reason, the number of parties concerned in the larger theatres, and the vast sums of money invested in them.

534. How much do you pay to the Lord Chamberlain's office annually?—£. 100 a year.

535. It was first 300*l.* a year?—It was.

536. And then it was reduced to two?—It was.

537. And now to 100*l.*?—Yes.

538. Do you pay that for the licence?—Not for the licence.

539. What then did you pay it for?—It was stated by Mr. Mash that it was a gift of Mr. Sheridan's, but I never could make out what we paid it for.

540. Mr. Sheridan rather reduced the gift, did he not?—Yes.

541. And the 300*l.* was given before Mr. Sheridan?—Yes.

542. Mr. Sheridan reduced the gift to 200*l.*?—Yes.

543. And then Mr. Calcraft reduced it to 100*l.*, I believe?—Yes. In short, we had an opinion on the subject, and it was thought that we could do it away, on account of there being no consideration given for it at all.

544. Do you look upon it then as a voluntary donation?—I think it must have been.

545. The Chamberlain's office does not do anything for it?—Nothing at all.

546. I presume you mean to stop it as soon as you give up acting under the licence?—I suppose so; but I always thought it was for the renewal of the 21 years' licence; it struck me so till I heard the contrary from Mr. Mash.

547. Did the Chamberlain's office ever take any proceedings with respect to that payment?—Yes, they put an execution in once.

548. I believe you are bound in such a way that you could not withhold the payment of it now?—No; it is passed under the seal of the company.

*Lunæ, 18<sup>o</sup> die Junii, 1832.*

THOMAS SLINGSBY DUNCOMBE, ESQ. IN THE CHAIR.

Mr. *John Payne Collier*, called in; and further Examined.

549. WE understand that you wish to add something to the evidence you gave before the Committee the other day; will you have the kindness to state what additions you wish to make?—I was asked what were the powers exercised over the Master of the Revels, and I stated that they were usually exercised by the Privy Council. Speaking from memory, I was not able to state then, as I am able to state now, that a power was also exercised by the Star Chamber, and that the Master of the Revels, as well as the players, were summoned before that Court. I ought also to have mentioned, that the Master of the Revels, apparently on his own authority, licensed theatres, the Crown licensing the players. It was deemed necessary to get from the Master of the Revels a licence for any particular theatre, and Sir George Buc, who was Master of the Revels in 1613, received 20 *l.* for a licence for the Salisbury-court theatre; the King licensed the players with a power to open a theatre, but the Master of the Revels appears to have licensed the theatre itself.

Mr.  
*J. Payne Collier.*  
18 June 1832.

550. But there is no doubt that the King could have done both if he pleased?—I am only speaking as to the practice. I mistook also, in my examination on Friday, a point which is perhaps of importance; I stated that the largest theatre in the time of Shakspeare, (alluding to the Fortune theatre,) was only 45 feet square within. I ought to have stated that it was 55 feet. I was also asked as to the distance from the stage to the farthest auditor, in our present theatres; that I have not been able to learn, but I dare say it can be ascertained without difficulty. A question was put to me regarding the profits of the office of Examiner of Plays. I have in my hands the accounts of Mr. Larpent, who filled that office from the year 1778 to 1824, and I find that during the four last years the sum he received for licensing plays, or matters connected with theatres, was, in 1820, 132 *l.* 8 *s.*; in 1821, 165 *l.* 18 *s.*; in 1822, 126 *l.*, and in 1823, 142 *l.* 16 *s.*

551. Does that include songs as well as plays?—It includes everything.

552. That is in addition to his salary?—That was in addition to his salary, whatever that might be; but I am certain on that point.

553. Two hundred pounds?—I am not competent to speak to that. A question also arose on Friday regarding the size of Davenant's theatre, as licensed in 1662, by Charles II.

554. Covent Garden?—No, Davenant's theatre; the theatre that was erected in consequence of the patent Charles II. gave him in 1662.

555. Which theatre?—Where the Duke's company acted in Drury Lane, I take it for granted.

556. Davenant's was Covent Garden, and Killigrew's was Drury Lane, you know?—I am not quite certain, but wherever Davenant's company was to act at that time. They played in Salisbury-court at one time; but it was stated by the Committee that the size of the theatre was limited to 40 yards square. I find that this was a mistake. There is no limitation in Davenant's patent with respect to the size of the theatre that he should erect. A patent was granted in 1640 by Charles I., which enabled Davenant to erect a theatre in Fleet-street, and that was restricted to 40 yards square, because it was thought, I suppose, that the vicinity of Fleet-street was thickly inhabited; but when he was allowed to erect a theatre in the liberties of Westminster, where the population was much more widely spread, he was not restricted to any size. And it was the same with regard to Killigrew; he was allowed by his patent to erect a theatre of any size he might think convenient.

557. Where was this theatre?—Killigrew's theatre?

557. Yes.—I am not quite sure where it was situated at that time; I forget whether it was erected in Drury Lane or Lincoln's Inn Fields.

559. Was not it the Cockpit?—The Cockpit was a theatre existing early in the reign of James I.



Mr.  
J. Payne Collier.  
18 June 1832.

560. Killigrew opened with his patent first of all at the Cockpit?—That might be, but that was not the theatre which he erected. Perhaps the Committee will also give me leave to add, with reference to a question which was put to me, as to the degree of immorality prevailing in the neighbourhood of the theatres: I mentioned that as far as my experience went, the neighbourhood of the large theatres was inhabited by persons very commonly of loose morals, and at the same time I stated that the same in its degree was obvious at the minor theatres; but it strikes me that in proportion to the accumulation of vice, if I may say so, it will increase more rapidly, and that a neighbourhood where there are, we will say 1,000 vicious characters, will multiply in vice much faster than a neighbourhood where there are only 100 vicious characters; and in proportion to the quantity of vice will be the rapidity of its increase: I only put that as a matter of reasoning.

561. That is, that a large theatre is likely to be more immoral than a smaller one?—I mean this, that in proportion as there are houses of ill fame in the neighbourhood of large theatres, that if there are 20 in the neighbourhood of one large theatre, and only one in the neighbourhood of a smaller theatre, there will be much more vice in proportion to the no near the large theatre, than in proportion to the one in the neighbourhood of the small theatre.

562. But the large theatres are an inducement to those houses of ill fame to establish themselves?—I should imagine so, and that it has been so for all time; for it was an early complaint on the part of the Puritans, that the theatres attracted round them an immoral population.

Mr. Charles Kemble, called in; and Examined.

Mr. C. Kemble.

563. I BELIEVE you are one of the proprietors of Covent Garden theatre?—I am.

564. Are you one of the petitioners who have addressed this petition to the House of Commons?—I am.

565. You begin by saying, you wish to be heard by counsel; have you abandoned that part of your petition?—I have.

566. Do you conceive that the law relating to the drama is as perfect as it can be made; because in this petition you seem to wish that no alteration should take place?—That is a large question, I think.

567. You petition here that no repeal of the law in regard to theatrical performances should take place in London?—Perhaps an amelioration of the law as it now stands might do some good.

568. As relating to the Chamberlain's power?—I should think unquestionably, as relating to the Chamberlain's power.

569. Do you conceive, by your patent rights, that you are independent of the Lord Chamberlain?—No; unfortunately we have very good reason to know that we are not.

570-1-2. But when these patent rights were first put forth to the public to induce them to embark their property, was it not upon the understanding that you were independent of the Lord Chamberlain, and that the legitimate drama could not, or would not, be licensed by him?—Yes, certainly, so far as the licensing of the legitimate drama in other theatres went, we thought we were independent of the Lord Chamberlain entirely.

573. Independent therefore?—Independent.

574. Of what patent is Covent Garden in possession?—Sir William Davenant's patent.

575. Killigrew's patent is at Drury Lane, and Davenant's patent at Covent Garden?—Yes.

576. At what time did it become possessed of that patent?—Upon my word, I hardly recollect the date.

577. Have you the original patent?—I never have seen the original patent: it was when Rich took the theatre, I believe.

578. Where is your patent?—I believe it is in the hands of Stephenson's the bankers.

579. Have you no control over it; cannot you produce it?—It is lodged there on trust, I fancy; I believe they have no objection to show it.

580. But what is the use of your patent rights if the Lord Chamberlain has the power of granting licences for the legitimate drama anywhere he may think proper in Westminster?—Of none: it is a great injury to us if he does it.

581-2. Have

Mr. C. Kemble.

18 June 1832.

581-2. Have not those people who have contributed and embarked their property in these theatres rather reason to complain of having been deceived by those persons who put forth the plans for building these theatres, in making them believe they had exclusive privileges which it turns out they have not?—They thought they had.

583. Do you think you have any exclusive rights?—I think we have.

584. What are they?—The right, I conceive, that we have is founded on a general belief on the part of those who have embarked their property in these concerns; and it has never been questioned, I believe, till within a few years. My brother embarked all his fortune, the gains of a long professional life, on the faith of the royal word, on the faith of that patent. I have advanced very considerable sums of money on the same ground, believing that I had an indisputable right to the exclusive performance of the legitimate drama: and certainly if my brother had not so believed, he never would have been so foolish, I conceive, as to have embarked so large a sum of money in such a property; and I am sure I should not.

585. It is a breach of faith, then, and not of law, you conceive, in the Lord Chamberlain granting licences for the performance of the regular drama at minor theatres?—I should conceive it would be a breach of the understood compact.

586. Have you no remedy against the Lord Chamberlain, suppose he should license the Adelphi, the Olympic, or any other theatre?—No, I do not know that we have any remedy.

587. Do you consider that you are acting at Covent Garden under the sanction of the patent or the licence?—The patent.

588. Because Mr. Mash stated the other day you acted under the licence?—That is Drury Lane.

589. Is it supposed this patent is perpetual?—I have always so understood it.

590. Because it seems difficult to conceive it should so ill provide for the possible increase of the metropolis, if it is intended to restrain it to one spot; the metropolis having so increased, one theatre would hardly provide for it?—I beg your pardon for answering that question by another: but does it follow, that because the population has increased, the theatrical population has increased also? Population and theatrical population are very distinct things. It might be very clearly shown to you, that so far from the theatrical population being increased, the fact is the reverse. What with the increase of religious feeling, what with the alteration in the hours of society, and various other reasons, you will find that the theatrical population, instead of being increased, is diminished.

591. But those are casualties: one would hardly think it?—It is hard to think it, I know, but our experience enables us to speak with a little more positiveness on this point than persons who have not suffered from it as we have. The late hours of dining take away all the upper classes, as you may say, from the theatre; religious prejudice is very much increased, evangelical feeling, and so on; and they take away a great number of persons from the theatre who formerly used to frequent it.

592. But if these theatres which are now established in Westminster were more extensively dispersed over the town, they would not do your house the harm they do now: your chief objection is to their being all concentrated?—I should suppose there would be more objection to their being under our very noses; for you can imagine that there is less necessity for them immediately in our own neighbourhood, supposing there is a necessity for them at all.

593. What would be the effect upon the great theatres if the legitimate drama were allowed to be performed at the minor theatres; would the minor theatres be more frequented than they are now?—That would depend very much on the manner in which those plays were represented, I should think.

594. Why have not the minor theatres the power of representing the legitimate drama as well as you?—Because the patent, Charles the Second's patent, restricts them.

595. But why have they not the power of representing them as well as you can to the satisfaction of the public; in what does your superiority consist?—Our superiority consists, I should conceive, in long experience and long exercise in acting; they are comparatively very young in it; they cannot have the same companies to represent plays as we have, therefore I should conceive it would take a considerable time before they could act plays with the same degree of perfection with which they are acted at Covent Garden and Drury Lane.

Mr. C. Kemble.

18 June 1832.

596. But suppose you were possessed of a minor theatre of the same size, could you not, with your talents, arrange that theatre in such a manner as to represent the legitimate drama to the satisfaction of the public?—Unquestionably; no doubt if the theatre were of a proper size, and I had a proper company.

597. A theatre the size of the Haymarket, for instance?—That I should hardly consider large enough; that, however, might be differently constructed, and might be very well applied to such purposes.

598. But do you conceive that an actor and performer like Mr. Kean appears to the same advantage at the Haymarket as at Drury Lane or Covent Garden?—Perhaps Mr. Kean may. Mr. Kean may appear with equal advantage in any theatre, whether large or small. I think Mr. Kean is always attended with so great a degree of popularity, that let him act where he will, his performance will meet with approbation. But that has nothing to do, I conceive, with the size of the theatre one way or the other.

599. Do you think performers in general prefer playing at the minor theatres?—No, I should conceive not; I should conceive they would prefer playing in a theatre, I will not say quite as large as that in which we are now engaged. If I were going to build a theatre to-morrow, it should not be so large as Covent Garden or Drury Lane, not quite, but it should not be a great deal smaller, because plays could not be adequately represented.

600. Then you are now rather speaking of the stage than the theatre?—I take it altogether; if the audience are too near the actor, that destroys his power in some measure.

601. Do you remember what took place at the time the same company played alternate nights at the Opera and the Haymarket?—Yes; the advantage was decidedly in favour of the large theatre. I remember distinctly hearing Mr. Sheridan and my brother both declare (for there was then a senseless outcry against large theatres) that so far from the public wishing for or preferring small theatres to large, the fact was demonstrable the other way; and the proof they adduced was, that the very plays acted by the same performers at the Haymarket theatre on one night, and at the Opera House on the next or the next night to that, there would be a difference of 200 *l.* or 300 *l.* in the receipts of the house, though it was the same play, acted by the same performers. That, therefore, is a pretty strong proof that the public are rather in favour of large theatres than smaller ones.

602. Might not that be attributed only to the Opera House being larger?—No, because the Haymarket was not above half full: that is one instance of it; but you can have figures to convince you of that fact; there is a person here present, who, I believe, will be called on by you to give some evidence upon the fact; and you will have the actual receipts to show you that the public, so far from preferring small theatres, have always been in favour of large theatres. The same thing occurred in my own recollection within a few years, when a very serious accident happened to the gas in Covent Garden theatre, and we were obliged to remove to Mr. Arnold's theatre. He was so good as to stand our friend on that occasion, and the receipts we took in that theatre, though we had the same company exactly, hardly did more than just cover the salaries, and the house was by no means full.

603. I perfectly well understand that there are certain sorts of representations which can only be represented in large theatres; for instance, pantomimes, melo-dramas and spectacles, and things of that sort; but do you suppose that that portion of the public who prefer such plays as the Hunchback, and such acting as we see in that, would prefer the large to the small theatres?—Excuse me; I think, with respect to melo-dramas and pantomimes, it is a mistake to suppose they can be better acted at large than at small theatres; indeed I think a pantomime may be much better acted in a small theatre than in a large one, because those changes which are necessary for the great success of a pantomime are much more easily effected in a small theatre than in a large one. With respect to melo-dramas, they do not depend for success entirely on splendour. On the contrary, I should say the most successful melo-dramas have been those which depended on strong excitement in the story or incidents of the piece, for without these all the splendour in the world will do nothing either in a large or in a small theatre. Splendour alone does nothing, or next to nothing, to the success of a piece.

604. Is it not a generally recognized fact that the theatre was moved from Lincoln's Inn to Covent Garden because, from the smallness of the theatre, the plays could not be so well acted?—It might be too small; I do not recollect the exact dimensions.

605. The



605. The effect of the scenery, that must very much depend in spectacles on the size of the theatre?—No; I conceive that as fine scenery may be produced as in a large one, and as much talent of that kind may be employed in a small theatre as in a large one.

606. I should hardly have thought with so much effect: you may draw as beautiful a picture, but not so as to produce that sort of scenic effect which is the great attraction?—There are certain plays which I should say required enlarged space. The play you have just mentioned might as well be acted in a small theatre as in Covent Garden, but there are certain plays which, I maintain, cannot be adequately represented without space to do them in; for instance, such plays as *Coriolanus* or *Julius Cæsar*; *Hamlet* may be done at a small theatre, but *Macbeth* of course derives considerable effect from space; I mean certain parts of it do.

607. Your observation is meant to apply quite as much to the regular drama as to melo-dramas?—I certainly think so; I think the regular drama can only be adequately represented in a theatre of certain dimensions. I do not think any of our minor theatres could adequately represent the regular drama as they now stand.

608. If you conceive the legitimate drama is capable of being acted only at the larger theatres, and that the public would not go to the minor theatres if the legitimate drama was acted there, what danger do you apprehend if the permission were extended to them to act the legitimate drama; it would do you no injury, I should think?—Not so; there is much danger. The danger which I think could arise would be in their, at some future time, collecting much better companies than we have, and beating us by force of talent.

609. Then you apprehend that there would be no inconvenience and no objection to its being acted?—I do not know that; that is another question.

610. On what ground would you object to it?—On this ground; that it must take a long time, a very considerable time before the legitimate drama could be adequately represented in one of those theatres; at the same time that it gives them the opportunity of bribing away from the theatres that we now act in certain individuals of acknowledged talent and celebrity, (and there are but a few, God knows,) but those few would be scattered then in half a dozen different theatres, instead of being collected in one or two; and the perfection of a play depends extremely on the talent you can get into it.

611. Is a minor theatre able to give a larger salary to an eminent performer than a larger theatre?—It may for a moment, for the sake of opposition. A man having no capital embarked in a theatre of this sort may say, "My aim must be to weaken my adversary, therefore I will offer an eminent actor double the money he gets at the other theatre;" and I am sorry to say there are too many of us incapable of resisting applications of that description.

612. But that is an evil that will cure itself?—I do not know that.

613. Would not that sort of competition be of great use to the public, and make it necessary to have good actors?—I doubt whether it would be of great use to the public; that is to say, if you divide the little talent there is among us into a great number of theatres, you will be worse served.

614. The result of it would be such a stimulus, that probably all would be well served in time?—We have not seen that it is so; many of these theatres have acted the legitimate drama in defiance of all law, but we do not see those results which the advocates for minor theatres seem to calculate on. We have not seen that great actors have arisen in them.

615. But if the field was wider?—It has been as wide as they chose. We have said, what you are doing is illegal; but they have gone on doing it nevertheless.

616. Shakspeare is never played at the Adelphi or the Olympic?—But it has been done at the Coburg, at the Surrey, at Sadler's Wells, and at other theatres.

617. But they are out of the jurisdiction of the Lord Chamberlain?—Yes; but the reasoning which would apply there would apply just as well in any other situation.

618. Do you think the people who attend the Coburg every night would go that distance to attend your theatre?—I think a great many would. That is what makes the difference to us: I think they take away just what would assist in making our fortunes, without taking enough to save their own.

619. Do you not think the public ought to be supplied with amusement as near their own doors as possible, for they are the people who pay for it?—If the public call for it, there is good reason for answering the public; but I do not believe that there is any demand for it. I have not seen anything of a demand by the

Mr. C. Kemble.

18 June 1832.

public till the present demands appeared, which are got up by a set of interested adventurers and speculators, who have nothing to lose, and think the best course they can pursue is to ruin those whom they think have.

620. But there have been petitions signed from various parts of London?—It is not very difficult to get petitions signed, as we all know.

621. With all your advantages of long experience, and the talent you and the members of your family possess, should you be afraid of any competition: do you not think they would ruin themselves, and that you would be in no way prejudiced?—There have been one or two within this last year ruined. There is a City theatre and a Strand theatre; both of those have been ruined. Mr. Rayner, who set up the Strand theatre in defiance of all order and all law, is a bankrupt; and now another person has set up there.

622. But they do you no harm?—Yes; they do us irreparable mischief; for they take from our theatre those persons who fill our gallery and pit, and they are comparatively empty in consequence.

623. During their continuance you are sensible of a decrease of profit?—Decidedly.

624. Then your opinion is, that the only remedy is a more complete monopoly than at present exists?—I say, impose restriction to such entertainments as these persons were originally allowed to give, and then I should not be afraid of any number of theatres.

625. Do you not think that the cultivation of a taste for the drama, which would be favoured by the increased number of theatres, would more than make up for any loss you might sustain by competition?—Do you mean an increase to the numbers now existing; supposing the minors had the power of acting, and then adding to that an additional number.

626. No; but more theatres having the power to exercise the legitimate drama than there are now?—If I speak conscientiously, which I wish to do, I should think they might prove a nursery; I think that the performances that have been allowed to go on in minor theatres for some time have in a great measure deprived us of some resources which we should otherwise have had. I think that it is probable, I cannot say in what given time it would be, but it is probable that in a length of years, if the number of theatres were restricted to a reasonable number, and those theatres were only allowed to act the legitimate drama, and that there might be none of those spurious entertainments given; then I agree with you that the drama might be improved, and in course of years we might expect to have élèves, who would fully replace the good actors we have now.

627. What I meant was, do you not think, besides, that it would have the effect of making more people fond of seeing theatrical representations; and that you would gain by this increased taste in the public more than you would lose if they were more generally and largely supplied with the drama; do you not think the taste would increase so as to make up for any loss?—That would be a hard question to answer, because we see that our theatres are by no means full; there is plenty of room for the audience in our theatre; the people do not come, because there are minor theatres open where there is stronger excitement, and a coarser species of entertainment at a much cheaper rate; that will be found to be one of the grand secrets: if a theatre is permitted to open its lower boxes at 1 s. a head to the public, I am afraid there are too many persons who will find that species of entertainment good enough, if they can take their whole family there for 5 s., instead of paying 5 s. or a greater sum for each individual.

628. The price of admission you think could not be lowered a great deal?—I do not think it could, so as to give that perfection of performance which you are now in the habit of witnessing in those theatres.

629. Have you not a great number of persons attached to your theatre who are perfectly useless, that you could disencumber yourselves of?—Not a great number, I think; it turns out now and then a person is not of the use that he was expected to be.

630. Have you no cause of complaint against the Lord Chamberlain for licensing those foreign operas every night?—I should say we have; it is ruinous to the interests of Covent Garden and Drury Lane.

631. Do you not conceive it to be rather an infringement of the compact and understanding originally entered into?—I do; it is an infringement of the arrangement that took place, I forget in what year; 1792, I believe.

632. Have

632. Have you ever remonstrated or petitioned the Lord Chamberlain upon the subject?—I do not think we have on that particular point.

633. These foreign operas going on would, I should think, do you more harm than any of these minor theatres could do?—I should think they do: the Opera House being open six nights a week instead of two, two nights for the Italian operas, two nights for the German operas, and two nights for the French operas, is certainly four nights more than ever was contemplated in the arrangement which was entered into between Covent Garden and Drury Lane and the Opera House, and indeed we forewent certain advantages under that compact; for it then was in the power of Covent Garden and Drury Lane, I believe, but Covent Garden certainly, to act Italian operas, and we deprived ourselves voluntarily of the power of acting Italian operas in consequence of that arrangement: by that agreement Covent Garden entered into a compact that it never would act Italian operas.

634. In that arrangement is the number of nights specified?—Sixty a season.

635. It is positively specified?—Sixty a season.

636. Can you at all estimate what the loss is to your theatre by giving up the right of acting the Italian opera?—That has been so long given up that it is impossible; besides, those are matters depending so much on the caprice of fashion.

637. I understand an estimate has been made?—I am not aware of any estimate having been made; but it is to be presumed that if you had brought out as good an Italian-opera company to act them at Covent Garden or Drury Lane, you might have rivalled the Italian Opera House.

638. You have the power of playing German or French operas, but not Italian operas?—We have the power, I believe.

639. You have the power of playing all the year round?—Yes, we have.

640. You do not find that would be of any advantage?—Hitherto we have not; but so sacred have the winter theatres been kept with respect to the performance of the legitimate drama at other theatres, that I believe it is a well-known fact that when Mr. Foote received his licence for the Haymarket, the King consulted the proprietors of Drury Lane and Covent Garden, as to whether it would be injurious to them and their interests to let Mr. Foote have the licence at all, and it was with their concurrence that the licence was granted; which shows what was the sense of the King, and what his opinion was as to the rights of patent theatres; for it was with their concurrence that that permission was originally given to Mr. Foote for the Haymarket theatre, which has since been considered a legitimate theatre.

641. Do you consider that it would be more prejudicial to you to extend the permission to act the regular drama at minor theatres, or to extend the time during which they are permitted to act; an extension of the regular drama, or an extension of time, for now I believe they are restricted to certain months?—I do not know what their licences are; they appear to me to be perfectly lawless; they appear to do what they please.

642. Was not there, in 1809, an application to Parliament for a third patent?—There was.

643. Can you state upon what grounds that patent was refused?—I believe it was refused because Mr. Sheridan showed that it was contrary to the admitted rights of the two existing theatres; and not only that, but I believe he convinced them that it would be not at all a desirable thing for the respectability of the profession of actors; as far as I recollect, he said, if you increase the number of theatres, you necessarily increase the number of idle persons; there are a great number of idle persons always about a theatre, and the more you increase them the more you destroy the respectability of the profession.

644. The English Opera is restricted in the duration of its performances, and I believe the Adelphi also?—They are restricted.

645. Do you suppose that it would be more detrimental to you to leave them free as to time, and confine them as to the regular drama, or to limit them as to time, and give them permission to perform the regular drama?—I can hardly say.

646. Which should you fear most?—It is difficult to say which.

647. You would fear both?—I should fear both.

648. But the King did not control the season of the English Opera House, he extended it?—He extended it; it was extended, I believe, to the satisfaction of none of the parties concerned in that investigation; I believe it was extended not at all to the satisfaction of Mr. Arnold, and I am sure that even the two months which were given was not at all consistent with our hopes and expectations.

679.

Mr. C. Kemble.

18 June 1832.

649. That is very often the case when mutual justice is done to both parties?—We conceived he had a right to all he demanded, or to nothing; that was our view.

650. Did you belong to Covent Garden in 1809?—I think I did.

651. Do you recollect a petition that was addressed to the House of Commons against a theatre that was applied to for the City of London, an additional theatre, which was resisted?—That is the theatre which we were just speaking of; and it was successfully resisted on the ground that it was unjust to the proprietors and other persons concerned in the theatre, unless they should be first indemnified.

652-3. What do you conceive by persons interested?—There is not a creditor of the theatre, or a renter, I should say, who is not interested.

654. What is the difference between a proprietor and a renter; I should have thought a shareholder was a proprietor?—I wish he were, for we should get rid of all our difficulties if he had been.

655. “Unless they should be first indemnified;” in what way do you think they ought to be indemnified?—I should suppose that means, if you indemnify us to such an extent as will enable us to discharge all just claims upon us.

656. To advance you a sum of money?—Yes; suppose the Government would step forward and say, you have expended so much money on this theatre, we will sell the theatre and advance you so much money.

657. You cannot expect Government to be responsible for any improvident bargain you may have made; how would you calculate your engagements; would you have them take all your debts?—The *onus probandi* would be on the Government; they must show we have made injudicious bargains, and that we have wasted money unnecessarily, which I think they would be puzzled to do; for I assure you where persons are so closely interested as proprietors of a theatre, they look very sharply after the money.

658. Have they never made disadvantageous engagements?—Sometimes, no doubt; but the amount of them is so trifling that it would be a mere nothing.

659. But was it not an improvident purchase purchasing these patents?—Not if we had the exclusive privilege we believed we had.

660. But was not it your duty to see whether they gave you those exclusive privileges?—*Caveat emptor* is a principle of law, I know; but we took it upon the faith which has descended from father to son, and we have expended large sums of money on that faith.

661. Can you point out any passage in the patent which gives you an exclusive privilege?—I think there is in our patent, in Davenant's patent.

662. Have you a copy of that patent?—It will be found in the 12th volume of Dodsley's old plays.

663. If you had not purchased the patent should you not have been in as good a situation as you are now?—I did not believe we should, or we should not have spent so much money upon it.

664. Drury Lane gave Covent Garden 20,000*l.* for their patent?—Yes; therefore Drury Lane must have been convinced it was of some value, or they would not have given it.

665. Or rather it was a good sale on the part of Covent Garden?—Yes, and a good purchase on the part of Drury Lane, as they believed; for they believed they could act the legitimate drama under that patent, and that other theatres could not, otherwise they would not have been mad enough to have purchased it.

666. The public might be induced to advance their money under that belief, but whether the patent gave those exclusive rights remained to be proved?—Not having been in the bosoms of the persons who purchased it, I cannot venture to say what they thought about it; but taking their actions as proofs of their conviction, I should say I am bound to believe they thought they had this undoubted privilege exclusively.

667. But as it turned out on investigation that they have not, do you not think that the public who advanced their money have great cause to complain that it has been a delusion upon them?—I do not find that the public are at all backward in complaining where they have cause.

668. But these people who have advanced their money will complain when it is found you have no exclusive right?—I think if it is proved to them they will; but you will say to them as you say to me, Why did you not take care to look into this?

669. No; the public entirely trust to those who put forth the prospectus?—Exactly so, as my brother trusted, and as I trusted; it has been matter of confidence,

fidence, and we all honestly believed this exclusive power did exist, or we never should have advanced such sums of money upon this theatre.

670. But it is like the title to an estate which turns out to be defective ; it does not follow that the original proper person may not at last recover it?—In that case there is a great injury done to some individual by the occupation of a property belonging to him ; but that is not the case here, for though these persons have advanced their money, they have been paid interest, and we have hoped, by the success of the theatre, to pay them and all other claimants.

671. The other day there were some biddings took place for the theatre?—Yes, for the lease.

672. Did you observe any backwardness on the part of the people coming forward to speculate, in consequence of this doubt which is now existing?—Yes ; I think there would have been more bidders probably than there have been, if the point had never been raised at all.

673. Was it taken at a reduced price?—We never let it before, therefore I cannot say it was taken at a reduced price.

674. You think there would have been more bidders in the market if this question had never been agitated?—I have not the least doubt that where we had two applicants we should have had a dozen.

675. For how long a period has Mr. Laporte taken the theatre?—Seven years.

676. He has taken it with his eyes open with regard to any change that may take place?—Upon my word I do not recollect all the clauses in the agreement, and whether that forms a part of it or not.

677. He was aware of it?—Yes, of course, but there may be some provision in his agreement to guard against it, for what I know. I do not carry all the provisions of the agreement in my mind at present, but if it is so it falls in again.

678. How so?—If there was a provision of that sort in the lease ; in case our right is annulled, or our supposed right is annulled by this Committee, Mr. Laporte probably will have a right of throwing up his lease.

679. The object of the Committee is not to prove your right null and void, but we call upon you to prove what injury it will do to your theatre if a licence is given for the performance of the legitimate drama in various parts of the town?—It is a mere matter of speculation ; nobody can take upon himself to say what probable or what possible influence it may have, but I think what I have stated about it, that it would be a long time before any good could result to the public from it. If the legitimate drama be acted in a greater number of theatres, it is not to be presumed that for some years (for it takes a number of years to do it) it will allow of the formation of a good company.

680. Do you think it would be better if all the theatres that exist were under the control of the Lord Chamberlain, instead of being under the control of magistrates?—Under a restricted control, that is to say, under the control of the Lord Chamberlain's office, not under the control of any Lord Chamberlain.

681. Do you believe this to be a true copy of the original patent?—I have not seen it, but I suppose it is.

682. This is the patent of Charles II. to Killigrew and Davenant, but the King only speaks for himself ; there is nothing in it binding on his successors, nor is it likely there should be?—That is quite true. I have always so understood ; it has never been considered as binding ; we never considered it as binding ; for instance, if the King had said, I choose to give another theatre, we should not have said the King had not a right to do so ; but we say this : we have presumed on the good faith hitherto preserved between the King and these theatres, and we have gone on presuming that it would never be violated.

683. I thought at one time you did dispute the right?—No, I think the right of the King never was disputed, but it does seem a strange anomaly that any officer of the Crown should have the power of nullifying the King's patent ; that seems to us a strange thing.

684. But I do not think it is clear that the Lord Chamberlain has the power of doing that ; I should say, you are independent of the Lord Chamberlain, who is equally independent of you ; that seems to be the real advantage which you have, that you need not apply to the Lord Chamberlain for a licence to open your theatre, as other theatres do, but you open it when you think proper ; but at the same time the Lord Chamberlain is independent of you, for he has the power of licensing for the same purpose the minor theatres?—But he has a restrictive power over us which prevents our opening our theatre. I will give you an instance of



Mr. C. Kemble.

18 June 1832.

that : no longer ago than the last 30th of January, I advertised a play for that day, thinking it better that such circumstances as were commemorated by it should be swept away from the recollection of people's minds, if possible ; I advertised a play on that day, and I received an order from the Lord Chamberlain to close the theatre, for I must not act that night.

685. Did that come from the office, or from the examiner of plays ?—From the office. I applied also for permission to act on certain nights in Lent, there being an old Catholic custom, which has been preserved from year to year, not to perform on Wednesdays and Fridays in Lent ; and I thought it would be a better thing to represent plays than to give a pretended sacred concert, in which all sorts of ridiculous songs are sung instead of sacred music, but the Lord Chamberlain would not allow it.

686. If you had persevered in defiance of the Lord Chamberlain what would have been the consequence ?—I like to obey the authorities who are over me ; I do not like to fly in their face, and therefore I willingly submitted to it.

687. Still you think you had the power of disputing it ?—I think it doubtful whether he could have prevented my acting on any of those nights if I had so pleased.

688. Is it not the case, in point of fact, that though Charles II. says he shall not grant a patent to any other companies than those two, that he did grant another patent at no long time afterwards ?—But he was a King “ whose word no man relied on (if you recollect), who never said a foolish thing nor ever did a wise one.”

689. Was it so, as to the fact ?—He did, I believe.

690. Could you produce the report of the Chancellor and the command of the King, on the occasion of the permission to Mr. Arnold in 1830 ?—I believe they are here.

[*The Document was delivered in.*]

691. You consider that the exclusive power rests on the faith between the theatres and the King, rather than from any privileges you gain from the patent ?—Undoubtedly ; I must admit the King has power to grant another patent if he chooses.

692. Do you know what sum you pay annually to the shareholders of Covent Garden theatre ?—£. 3,800.

693. And when will that expire, in what number of years ?—Sixty years.

694. From the present day ?—From the present day.

695. That is upon the faith of these patents ?—Yes.

696. That, in point of fact, would be the indemnification you would have a right to expect ; suppose a case of indemnification could be made out, the only claim you would be justified in making would be this 3,800 l. which you have to pay ?—For 60 years ; there are the old building debts also which are not paid.

697. What do they amount to ?—I do not recollect : this building has cost 300,000 l. ; 240,000 l. the building cost, and then in fitting it up, and so on, the other money was expended. It was built at a time when we were at war with Russia, and every article of building was very dear ; there was no timber to be had at any reasonable price.

698. Do you pay anything annually to the Chamberlain ?—Drury Lane does ; I do not.

699. The licence is renewed from year to year ?—No, we have always acted on our patent.

700. But you have a licence ?—Not at Covent Garden.

701. Have you submitted many plays to the examiner of the licencer this year ?—Every play that is acted I submitted to the examiner.

702. Have you submitted many this year or last year ?—Yes, there have been a good many ; I cannot tell precisely the number.

703. How has that power been exercised, capriciously or not ?—No, indeed, I think it has not.

704. Have there been many alterations ?—Mr. Colman entertains particular ideas as to particular expressions, which he desires us to omit ; some of which we consider a little frivolous, but now and then there are some that are not so by any means ; for instance, the use of the name of the Almighty, if it can be avoided, I agree with him in thinking it better avoided ; but there are certain expressions which he objects to, which we do think frivolous sometimes.

705. You pay two guineas, do you not, for every examination of any play ?—Yes.

706. Do

*Mr. C. Kemble.*

18 June 1832.

706. Do you conceive he has any right to enforce that?—I do not know that he has.

707. It is voluntarily, is it?—It was, I believe, in the first instance voluntary, and has continued so from the original payment that was first made; I believe it was first a voluntary act on the part of the theatre; I believe Mr. Collier says so in his very excellent work on the stage; as far as I recollect, he says the first money that was paid for the licence was a voluntary act on the part of the theatre, or I have read it somewhere.

707\* Do you not consider that for a song two guineas is rather a heavy price?—For a song, perhaps, it may be; and I might say two guineas is a good deal of money to pay for a licence to a piece at all.

708. But you think the English stage at present would become licentious, seditious or blasphemous, if there was no licencer?—As to its becoming licentious, I have no doubt it is perfectly safe in the hands of the people; for such is the improved state of education, and the moral and religious feeling, that in any theatre I do not think the audience would suffer anything that was licentious to be said upon the stage. I have frequently seen things, for instance, that have been suffered to pass by the licencer, which have not been suffered to pass by the audience, which is a very strong proof that they are perhaps better guardians of their own moral and religious sentiments than anybody can be for them.

709. Do you not think it probable that plays would be full of political allusions if there were no licencer?—Yes; I think there it would be necessary that there should be a supervisor.

710. It occurred in the case of the Coburg?—I am much obliged to you for mentioning it; I intended to have stated that. Look, for instance, at the bill lately issued by the Coburg theatre; I do not know whether it has come under the notice of the Committee at all; it was a bill advertising Tom Thumb, with all sorts of political allusions, not only political, but indecent allusions to persons who ought never to be alluded to but with respect; it is a most shameful licence which they have given themselves, and no theatre ought to be permitted to issue such things.

711. Does a representation of that sort give any pleasure to the public?—There will be always persons of bad feeling and bad taste in a large community who will rejoice in such entertainments; and you will have all the rabble of London going to those theatres in preference to others, where they can be instructed and improved. There was a bill put out the other day at the Queen's theatre, by which they lowered the price to the public, in consequence of the bill for reform passing; and I think they ought not to mix themselves up with politics in any way whatever.

712. But they have a right to do it?—Yes, right they may have; but then they would have an equal right on some other occasion, when you might not be so well pleased with it as upon this.

713. Lowering the prices would give satisfaction to the public?—No doubt it would.

714. You would find that, I think?—I do not believe we should have one person more in the theatre if we did.

715. Is it not a fact that there are several theatres now going on acting without any licence?—I believe there are a dozen theatres of which we know nothing, at which they take 10*l.* and 15*l.* a night, and so on; there are two or three I am told out by Portman-square.

716. They cannot do you much harm as you do not prosecute them?—We have endeavoured to prosecute our rights till we are ruined by it.

717. Then their opposition costs you less than their prosecution, though that would not cost you much?—But where there are not funds to pay the lawyers, the lawyers are not very willing to act.

718. But they are liable to be prosecuted by any person, a common informer?—What is every man's business is no man's business; and the occupation of an informer is so very odious that very few persons will, for virtue's sake, take upon themselves such a degree of odium as that; and even when we have pursued these persons, and have beaten them, and have obtained verdicts against them, they take the benefit of the Insolvent Act, and you do not get your remedy.

719. Then as your rights are exercised just now they do not protect you sufficiently, and you are not sufficiently remunerated?—I conceive we are neither protected nor remunerated at present, from the number of theatres which are allowed to open in opposition to us: we are not protected, inasmuch as the Lord Chamberlain, whom we consider our natural protector, grants licences to the Opera House

*Mr. C. Kemble.*

18 June 1832.

for six nights instead of two, and various other privileges equally prejudicial to our interests.

720. Do you remember what effect it had upon Drury Lane when they reduced their prices?—I conceive it did not answer their purpose; I should conclude it did not, on account of their returning to the old prices.

721. They did not get much fuller houses?—I suspect not.

722. Do you know what is the amount of capital, exclusive of the cost, now due from Covent Garden to the proprietors, or do you consider the renters as the proprietors?—I should consider the proprietors the speculators.

723. What sum of money is due by them?—About 80,000 *l.*, including the debt; that is independent of the shareholders; the debt to the proprietors is included in this, and this is mere capital without interest.

724. I think you say that in 1808 Covent Garden was rebuilt at an expense of 300,000 *l.*?—Yes.

725. Then this sum of 76,000 *l.* which was afterwards raised by subscriptions from numerous individuals, was that over and above that 300,000 *l.*?—No, that was to enable them to carry on the building.

726. And what portion of that sum remains due at present?—The whole of it.

727. Of which a portion of it now remains a debt upon the property?—That is another debt, that is not the renters' debt; the money that was advanced by the renters is a debt for so many years, of which there are 60 years to come.

728. But then it was laid out upon the theatre; you are a debtor for that?—It was laid out in the building of the theatre, and we pay annually the interest for it.

729. I think you say, besides the cost of the theatre, and besides the 76,000 *l.*, considerable sums in addition have been embarked therein, which you conceive would be lost if the present rights were annihilated?—Yes, within the last few years we ourselves have advanced about 30,000 *l.*; three of the proprietors alone have done it, within the last 10 years.

730. Should you say the theatre has been more prosperous during the last year than the preceding years?—The two last years it has been less prosperous than it was before, but I would say for many years it cannot have been considered prosperous; it has not been prosperous ever since these obstacles have arisen one after another; it has been gradually getting worse and worse; the last two seasons have been the worst.

731. By obstacles do you mean competition?—Yes; and the alteration in the hours of society, and many things that combine to make theatres less frequented.

732. Morning concerts, I suppose, among other things?—Yes.

733. You attribute it in a great degree to competition, religious feeling, and the hours of society?—Yes.

734. You range them under those three heads?—Yes.

735. Then in fact, you would conceive a more restrictive system to be necessary to your full protection than what prevails at present?—I should think, as far as I am capable of forming an opinion upon it, the nearer the licences granted, which are now granted by magistrates to certain theatres, were restricted to the original performance which they were allowed under that licence to give, that would be the best thing for the two winter theatres; they are allowed by their licence music and dancing only. When I was a boy, they used at Sadler's Wells and Astley's, and Hughes's, which is now the Surrey, to give a certain entertainment which they designated burlettas, and these entertainments were accompanied always by a piano-forte, were written in a sort of doggerel verse, and were accompanied by a piano-forte, the person playing in the orchestra; it was, in short, a recitative, accompanied by instruments in the orchestra; it was entirely recitative and airs, there was no dialogue in it whatever.

736. Have you ever made any calculation of what would be a sufficient number of theatres for the amusement of the metropolis, considering the size of the metropolis?—I have but one way of looking at it, and that is, that if your theatres are never above one-half full, which is the fact on an average, I cannot for my life see the necessity for any more theatres in London.

737. But if the small theatres are full, and the large theatres are only half full?—I beg leave to say the small theatres are by no means full. Madame Vestris' theatre has been full; the Adelphi has, I believe, just covered its expenses, not more. Madame Vestris has been successful; but it is a mistake to suppose the minor theatres are generally prosperous. We see there are two of them have failed within the last six months, the City theatre and Rayner's; there are two theatres gone;



gone; then there is the Queen's theatre gone; there are three gone; therefore you cannot argue that the public want those theatres; the public do not want them.

Mr. C. Kemble.

18 June 1832.

738. Why should not they want the attraction, but the cause?—Where would be the attraction if there were additional theatres erected in which the actors were dispersed?

739. Is it not your fault, for not giving them some other representation more suited to the public taste?—No; if you will have the kindness to inquire into it you will find, I fancy, that we give them as great a variety as possible of entertainments of the best sort we can procure. The proprietors of theatres are not authors; they can only take such pieces as are presented to them; and they take the best, of which there is very good evidence; for some gentlemen, who thought they had reason to complain of want of judgment in the proprietors, took upon themselves to publish a volume or two of rejected plays. That publication completely exculpated the proprietors in the opinion of the public; and they saw very clearly that those plays ought to have been rejected. I fancy there are very few instances where a good piece *has* been rejected. I question very much whether there is one on record, certainly not for these many years.

740. Do you not think more people would come to your theatre if they could hear well in distant parts of the house?—My answer is, that an equal number of persons can hear well, I should conceive, in Covent Garden as in the Haymarket, for instance, which perhaps would be the sized theatre you would select. It is the nearest approach, after one of the large houses, to a proper-sized theatre. But I think this is demonstrable, is it not, that an equal number can hear as well in Covent Garden as in the Haymarket; but if we do not get receipts, what are we to do?

741. You do not draw so many people as would fill the Haymarket?—Not so many as would fill it. I presume it holds nearly 300 *l*.

742. More than that, I believe?—Then, certainly not.

743. It appears to be your opinion that it would be a serious injury to all those who ventured their money in the large theatres, a breach of faith and a gross injustice, if the monopoly were suddenly thrown open, without any indemnification?—Without indemnification, certainly. I think if any good mode could be hit on, the experiment would be worth making; but without indemnification it really ought not, and cannot in good faith be done.

744. And you consider it would have been a serious injury?—I think it would be utter ruin to us without indemnification.

745. You stated just now that the only inconvenience and danger you apprehended from allowing the minor theatres to act the legitimate drama was a danger of their occasionally abstracting some of your best performers; then you do not apprehend anything from the public, but your sole apprehension is on that ground?—If you take away our means of attraction, you ruin us; if you take away the best actors from our theatre, and divide them among the Lord knows how many theatres; say there are three or four good actors in one theatre, if they are divided over three or four theatres, you take away from that theatre its means of attraction, and you consequently ruin its receipts.

746. I will just mention an instance of a most successful piece brought forward lately in a minor theatre, and which approached most nearly to the legitimate drama; I mean *Victorine*, in which there was not one single performer who belonged to the large theatres?—Mrs. Yates and Mr. Yates did belong to Covent Garden; Mr. Reeve did belong to Covent Garden, but broke through his engagement, and ran away from it.

747. But they were not taken away merely in this season?—No; they have been there I believe for two or three seasons.

748. Do you not think it highly probable, if there were many theatres, you would have many companies of the same degree of excellence, from which you might select the best for performers of pieces at the patent theatres?—I should doubt that very much; it has taken a considerable time to get Mr. and Mrs. Yates to that theatre; they were for many years at a regular theatre. They have been regularly trained actors in the best schools that existed in their time.

749. Are you aware how many theatres there are in Paris?—I do not know the number, but I know the result will be the same here as in Paris. I know that the *Théâtre François*, which was not only the glory of France but the admiration of all Europe, is totally ruined by the minor theatres, and if it were not for the assistance government lends them they would not be able to go on.

Mr. C. Kemble.

18 June 1832.

750. But there, I believe, they are entirely restricted to what we should call the legitimate drama, in the strictest sense of the word?—Yes, in the literal sense.

751. Because we find in our inquiry that that expression is rather liberally understood here?—Yes, it has been considered in its legal sense as well as in its genuine and real one.

752. You think a theatre on that principle would not succeed in this country?—I am by no means sure that it would not; I think it very likely would. If it were entirely restricted to the regular drama, I think very likely it would. If any such scheme as appears to be contemplated were really put into execution, I should recommend by all means that the theatres should be each restricted to a particular kind of entertainment.

753. Each to be confined to its own description of performance?—Yes, I should think so; I should think that would be better than that they should be running against one another, and endeavouring to bribe away each other's performers, which was especially guarded against in the patents of Charles II.: for he says one theatre shall not employ the actors of another without special permission in writing from the governor of such theatre.

754. Would you not attribute the superior success of Mrs. Yates at a small theatre, in comparison to her success at a large theatre, to her playing now at a small theatre, whereas formerly she played at a large theatre?—I admit the former part, but not the latter. I do not admit that the other theatre was too large for her; it is very likely she may play with more effect there than at Covent Garden, but I do not admit that the reason is because Covent Garden was too large. There are degrees of power; every actor would not act as effectively in Covent Garden as in a smaller theatre, but that does not prove that a small theatre is so good as a large one; it does as far as the natural powers of this or that actor are concerned; a person of weak power ought not to engage in a theatre of such dimensions as Covent Garden.

755. The play of the countenance, which forms so great a part of the pleasure we derive from good acting, of course the size of the theatre has an effect in making it more or less visible?—There is not the least doubt of it; it may be too large, that is admitted; but who shall say what is the precise distance from which to judge? because you may see better than I do, another may hear better than I do, and according to that scale we should be obliged to have a theatre for every individual.

756. When Miss O'Neil, and other celebrated persons who have engaged very much the attention of the town by their talents, were on the stage, have they or have they not been able to produce an effect in every part of the theatre? The object is to know whether those eminent performers (I have mentioned the name of Miss O'Neil, but I refer also to your own family more particularly,) have not been able to produce an effect in every part of the theatre when they have performed, the theatre being of its present size?—All their reputation having been made in these theatres, Miss O'Neil's reputation having been made in these theatres, and the other persons to whom you have alluded having also made their reputation in these theatres, I conceive they must be perfectly well adapted to their powers, otherwise I should suppose they would never have achieved their reputation.

757. Then the inference is, that persons may possess, as actors, talents sufficient to produce an effect in a small theatre, though they do not possess talents equal to produce an effect in a large theatre?—I would not exactly put it in those words. I should say a more restricted power might certainly produce a better effect in a small theatre than it would in a large theatre.

758. Then the consequence of having nothing but large theatres would have the effect of completely shutting out all persons possessed of powers capable of being appreciated in a small theatre only?—It would certainly militate against a very great reputation; but I should think it would not have the effect of shutting them out altogether.

759. Would not the fair inference from that be, that as there are a great variety of powers perhaps with the same degree of excellence, in order to appreciate that excellence it would be necessary to have a great variety of theatres?—If it be necessary to have more, I do not see any very valid objection to that; but that would be building theatres for restricted powers instead of efficient ones.

760. What is your opinion, from experience, of theatres built of various sizes in order to bring forward persons of mediocre talent; what effect would that have upon the profession?—I should think it would be destructive of the profession.

761. We are not supposing one of more mediocre talent, but with less powers?—

If it be of less power it is more mediocre. I think if you were to do what you suggest you would be building a theatre for infirmity and not for vigour.

762. But as all first-rate performers have begun in small theatres, beginning on a small theatre does not prevent their reaching that excellence for which nature has designed them?—I assure you a very small theatre is destructive of good acting; instead of being favourable to an actor, it brings him so near the audience that he cannot abstract his mind from the audience.

763. Only that proves that that does not prevent their talents from reaching their destination?—I cannot pretend to say.

764. You have introduced on the stage children to act?—Children's parts.

765. Young Master Burke?—At the minor theatres.

766. At the great theatres?—No, he never played there.

767. Miss Poole, then?—She plays little child's parts, and she happens to be a person that may be considered to be an exception, for her voice is a peculiarly fine round voice, and not at all an infantile voice; so that that instance is a very unfortunate one. I do not think she would be a bit better in a small theatre than in Covent Garden, for she is perfectly competent in power to fill that theatre.

768. Would not the small theatres tend to prevent that exaggeration of acting which is obliged to be introduced in the large theatres?—If does not follow that the actor is to exaggerate because he acts in a large theatre.

769. He must exaggerate anything said aside?—That is not necessary. If you, as the audience, would but be attentive, you would hear every syllable.

770. I have heard it from the stage box?—I maintain, that if the audience will only behave themselves properly in an English theatre as they do in a French theatre, they would not hear one word exaggerated: the fault is in the audience instead of the theatre.

771. Do you not think that is the fault of the entertainment?—When you see Macbeth, John Bull is perfectly quiet, as he always is when the representation of any murder is going on. You will hear that scene distinctly though it is acted in a whisper; and if you were always equally attentive you would hear every other just as well.

772. But a representation of a murder will attract as well as anything else then?—I am afraid such a representation is very attractive. I am sorry it is so.

773. It was tried at one theatre: Thurtell?—That was not at a legitimate theatre.

774. Was it attractive?—I believe it was; but they added to the attraction by introducing the very gig that had carried the murderer down to the scene: a most atrocious thing.

775. The inference then that is to be drawn from what you have stated with regard to actors of more feeble powers is this, that the great plays of Shakspeare, and the other great dramatic authors, would in the end be represented in small theatres by persons of very inferior talent to those who must necessarily perform the characters, in order to give effect to them, at the great theatres?—Certainly.

776. In your judgment, would the great authors suffer very much by being so represented, and would the taste for their writings be greatly diminished by being represented by inferior performers?—I think they would.

777. Do you not think it would be a great advantage to authors to have a number of different places to take their productions to for performance?—Not if they could not be well represented.

778. Do you not think, if that were the case, a great number of inferior productions would be brought before the public?—Certainly.

779. You were talking of the degree of attention which is requisite; do you not conceive that the noise almost always arises from the one-shilling gallery?—It does very frequently; they are commonly very riotous. You questioned me just now with respect to authors: they generally prefer bringing their pieces to Drury Lane or Covent Garden to bringing them out at a smaller theatre; for instance, one of the great advocates for minor theatres, Mr. Serle, instead of bringing out his play at the theatre where he is engaged, brought it out the other day at Drury Lane; that is a proof that he thought it could be better done there. You cannot hope to have them better done unless you have better actors; and where are they to be found; for those that are good are already engaged in these theatres: then where are you to get them? It can only be after the lapse of years that these things can rise up; for it is not increase of theatres that will give you an increase of fine actors. The qualifications of a fine actor are a gift that God gives, and they are not to be multiplied as theatres may be.

Mr. C. Kemble.

18 June 1832.

Mr. *Samuel James Arnold*, called in; and Examined.

Mr. *S. J. Arnold*.

18 June 1832.

780. OF what theatre are you the proprietor?—The English Opera House.

781. Have you a copy of the Lord Chancellor's decision with respect to that theatre?—Yes, I have.

*[The Document was delivered in.]*

782. You do not consider your's a patent theatre?—No, certainly not; I act under an annual licence from the Lord Chamberlain.

783. Do you consider yourself as coming under the denomination of one of the minors?—Hardly; I cannot call those minor theatres which are authorized by the Lord Chamberlain to act any particular part of what is called the legitimate drama; because if so, whenever the winter theatres play English operas, they become minor theatres.

784. Do you consider the Adelphi a minor theatre?—Certainly, for they are only licensed to act burlettas.

785. You are licensed only for English operas?—Yes, and minor entertainments.

786. Have you signed any of these petitions on the part of the minors?—No.

787. You have no cause to complain of the patent theatres?—Not at all; they complain of me.

788. Do you complain of the rivalry of the minor theatres; are you afraid of competing with them?—Certainly, an illegal competition.

789. Would you object to more theatres being licensed in Westminster than there are now?—Most undoubtedly, for I think there are sufficient.

790. In other parts of the town; take, for instance, Finsbury?—No, certainly not; not on my own account.

791. As detrimental to the interests of your theatre?—I do not think it would injure me.

792. Or in any part of Lambeth?—Why the communication is so close between Westminster and Lambeth, that I think there they might affect me.

793. How many months are you licensed for?—Six.

794. If you had the power, should you like to keep your theatre open longer?—I should like to keep it open as long as the public would continue to visit it.

795. You think it would answer your purpose to have a licence for 12 months?—I have no doubt of it.

796. You have been entirely confined to musical entertainments?—Entirely. I have never attempted to exceed my licence, which confined me to musical performances.

797. Do you think it would be to your advantage if you were permitted to play other things?—Undoubtedly it would be very convenient and agreeable to me to be able to play farces without music. I do not want to step out of my English opera; my object has been (and I hope to accomplish it) to establish something like a national school of music; that has been my object from the beginning.

798. You would very much dislike more theatres to exist than there are at present?—I think when the theatre is opened which is about to be established, it would nip the flower in the bud if any opposition was to be started up at a short distance from me.

799. Then if the Lord Chamberlain were to license any theatres he pleased, you would think it very detrimental to those theatres which at present exist?—Certainly.

800. Now do you consider it would be of any advantage to you if you were permitted to play tragedy, comedy, and the regular drama at your theatre: do you think you could afford to give a regular drama in such a manner as would be satisfactory to the public and productive to your theatre?—Unquestionably not.

801. You think then that any attempt at a theatre such as yours, which is licensed for the performance of operas and so on, to encroach on the drama as it is given at the winter theatres, you think it would not be advantageous to the undertaker or satisfactory to the public, in consequence of the inferior manner in which the productions must be brought out?—I think so, certainly. I think it would be a great disadvantage to the patent theatres, and no advantage to me.

802. Is your theatre large enough to give a representation of the legitimate drama?—It certainly will be; it will be a little larger, but yet hold considerably less money than the last.

803. I apprehend

803. I apprehend you mean to say that the expense of maintaining a company for tragedy and comedy, in addition to those for operas, would be so great that you could not afford to have those performers who would give satisfaction to the public; and that, in fact, it would be a ruinous concern?—That is my opinion.

804. Then you do not desire in the least degree to exceed, with regard to the nature of the performances, those which you are licensed to perform?—Except, as I said before, that eternal music through the whole night. I should be glad to omit the music in the afterpieces.

805. Are you of opinion that by having a licence for the whole year instead of six months, at the end of the year you would be able, by the state of your finances, to say that you had produced better entertainments for the public than under the present circumstances you can do?—Assuredly I do.

806. At cheaper prices?—At the prices I have always had.

807. What are they?—Five shillings for the boxes, three shillings for the pit, two shillings for the gallery, and one shilling for the upper gallery, which I mean to abolish in my new theatre.

808. Are you of opinion, that if you had a licence for the whole year, you would be able to diminish those prices to the public?—No; because I must improve the excellence of my performances, and I think less prices would not be convenient.

809. We all know your performances have been very excellent, I therefore wish my question to apply to the performances as they have been given; and I wish to know whether, taking the performances such as they have been, and you had a licence for the whole year, whether you could afford to reduce the price of admission?—I think not.

810. You would like to have the power of playing farces?—That I should like to have, certainly.

811. Now, you have had some connexion with the great theatres, I think, in the way of management?—Yes.

812. In your opinion, would the interests of the legitimate drama, Shakspeare and the great dramatic authors, and the public taste for that particular branch, be improved, or materially injured, by the increase of the number of theatres at which those representations might take place?—My opinion is founded on reflections on this subject for many years; and upon the experience I have had, my opinion is very decided, and it is, that the higher order of the drama would be destroyed by enlarging the privilege of performing the higher order of the drama.

813. If the public, for example, were admitted at very low prices into theatres where the plays of Shakspeare and other dramatic authors are given, do you conceive they must necessarily be given by actors of so inferior a class as to reduce their effect?—Yes, I do; and I think the size of the theatres would be very much against their doing justice to the higher order of the drama, such as Shakspeare's plays.

814. What do you think of the size of the Haymarket; do you think that is calculated to represent the legitimate drama with effect?—I wish I had the plans of my new theatre here, to show you what I consider to be the pattern of all excellence.

815. Will that be larger than the present Haymarket?—It will be wider; the stage will be wider, but the front of the boxes will be about the same distance as the Haymarket.

816. In speaking of the size of the theatres, are you not aware that our drama was created in small theatres, and that Shakspeare's and Jonson's plays were acted in theatres not half the size we see at present?—Yes, but with a blanket for a scene; they had no scenery or dresses.

817. Do you not know that players acted Shakspeare's plays in cocked-hats and not in any costume?—Yes, even in Garrick's time.

818. That did not prevent the production of good plays or the production of good actors?—But the taste of the public has so much improved since that time, they are not contented unless what they see is attended with perfect costume and good scenery.

819. Do the plays of Shakspeare require better actors than Garrick?—I should think not; but the public would like to have better, if they could get them.

820. Suppose Shakspeare was alive at this moment, and went to see Hamlet, or Julius Cæsar, or Coriolanus acted at the Haymarket, or at Drury Lane or Covent Garden, which do you think Shakspeare would prefer?—Drury Lane or Covent Garden, no doubt.

Mr.  
S. J. Arnold.  
18 June 1832.



Mr.  
S. J. Arnold.  
18 June 1832.

821. You are speaking of the minor theatres, that the size of them would not allow them to bring out the legitimate drama with that degree of splendor which is in a large theatre?—Yes; and in the next place, the dispersion of talent, by its diffusion amongst many, would deprive the larger theatres of so considerable a portion of their talent as to render both parties unable to act the legitimate drama as it ought to be acted.

822. Would not the encouragement offered for an increased number of actors produce such a nursery as would more than counterbalance the objections you now mention?—It might in time; but I should be sorry to reform the drama as it now stands, with the prospect of my grandson deriving the benefit of it, for I should not, nor would my present generation.

823. You mean it would not be to your particular advantage?—I am speaking of its effects; and I say it would not have that effect which you speak of, if power were given to the minor theatres to perform the legitimate drama.

824. Is the profession of the stage in that prosperous condition at this moment as to induce men of talent to adventure upon it?—I conceive that wherever talent is discovered it is always most liberally patronized by the theatres, most enormously patronized.

825. Did not the patent theatres oppose your application for the extension of time last year?—Of course.

826. Did you not consider that a hardship upon you?—Yes; for seven years I held my licence from year to year unrestricted, and it was only till I built my late theatre that the theatres opposed me.

827. Have not the proprietors of the minor theatres some right to complain of you?—No, because they have built their theatres without legal authority, and they knew they were going to act illegally.

828. The Adelphi has a licence from the Lord Chamberlain?—I am speaking of the theatres out of Westminster.

829. The Lord Chamberlain has no power over them?—I conceive he has the power to suppress any theatre within Westminster, but not those that surround Westminster.

830. Do you not think the just cause of complaint which the great theatres and yourself have a right to make, is founded on so many theatres all within one small space of ground, as Westminster and in the Strand?—I think that Westminster being the very heart of the metropolis, the public convenience has been well consulted by placing them as they are now placed.

831. You do not object to their being dispersed over the town?—Undoubtedly not.

832. Have you ever made any calculation as to the number of theatres this town might support?—No, I have not made any calculation to that effect; but I should suppose, if it was found expedient to have theatres, not exactly for the legitimate drama, but classified, that they might be at remote parts of the town without being very injurious to the patent theatres.

833. Each theatre restricted to different kinds of representations?—Yes.

834. As it is in Paris?—Precisely.

835. Do you happen to recollect how many theatres there are there now?—No, I do not, they fluctuate so frequently; there are sometimes about 16, and then two or three of them get ruined, and are shut up again.

836. How many are there in London?—Upon my word it is hardly possible to say; there are not, I should think, less than 14 or 15.

837. How much fewer theatres that is for a town twice the size of Paris?—Yes, but then the population of London and Paris are different beings. The French run after their amusements; but the theatres there are in a ruinous state at this time, almost all of them; their minds are now running after politics instead of pleasure.

838. Do you not think the population would become more a play-going population if theatres were distributed over different parts of the town?—Yes; perhaps those in remote parts of the town might frequent those theatres which were near them, who would not come to the great theatres; and so far only I think that would be a benefit.

839. I should think it would have that effect?—Yes; but then you come to the old question, whether you would not, while you were trying the experiment of raising other theatres, be destroying the theatres which are already established; and I think it would injure them most materially.

*Mercurii, 20<sup>o</sup> die Junii, 1832.*

THOMAS SLINGSBY DUNCOMBE, ESQ., IN THE CHAIR.

*George Colman, Esq., called in; and Examined.*

840. WILL you have the goodness to state to the Committee what situation you hold in the Lord Chamberlain's office?—I hold under the Lord Chamberlain the office of Examiner of all theatrical entertainments.

G. Colman, Esq.

20 June 1832.

841. How were you appointed?—I was regularly sworn in. My appointment was made out in the Treasury, and went through the Privy Seal, and then through the Lord Chamberlain's office.

842. In what year?—In the year 1824, in February 1824.

843. What is the form of oath that was administered to you?—The oath that is administered, or a great part of it, is the oath that is generally administered to persons holding situations in His Majesty's household. Then I am particularly sworn (after fidelity to His Majesty, as usual), to serve His Majesty faithfully as the Examiner of plays, and to be obedient to the Lord Chamberlain.

844. What do you conceive to be serving His Majesty faithfully as to the examination of plays?—To take care that nothing should be introduced into plays which is profane or indecent, or morally or politically improper for the stage. I had the honour of sending in to the Chairman of the Committee two or three days ago, but I believe the packet has not arrived till this morning, a paper giving my general opinion upon matters bearing upon this inquiry. I believe if I were to read that it would save the Committee a vast deal of trouble, and if any further questions should arise upon my statement, I am here to answer them.

845. There is a great deal of information in that statement, but it will be more intelligible to the Committee if it is given *vivâ voce*.—I am afraid I cannot state so much *vivâ voce*, as I can only dryly answer the questions.

846. The Committee wish you to answer questions as to matters of fact: as to your opinion of the necessity of a licencer, we will come to that afterwards.—As to my office, I believe questions have been asked relative to fees.

847. The Committee will ask you that presently, if you will have the goodness to answer the questions that are proposed to you?—Certainly.

848. What compositions or what productions upon the stage do you conceive, as Examiner, you are empowered to license, or empowered to prohibit?—I have not the power to license or to prohibit anything; I am the Examiner of plays.

849. Deputy of the Lord Chamberlain, you mean?—Deputy, as far as reading plays goes, but not as to the power of licensing or rejecting. I have no power over the theatres as reflected from him.

850. But when a play is submitted to you for examination, how do you proceed upon it?—"The Examiner is a very subordinate person, and no further interferes directly from himself with the managers than by recommending them to omit any passage palpably exceptionable, and all oaths, as well as all religious expressions and allusions too sacred for the stage." I observe previously in this statement, "the Lord Chamberlain is the licencer, to whom the Examiner forwards an outline, and sends his opinion, of the entertainments which he has officially perused, and then the Lord Chamberlain signs, or does not sign the form of licence, as he may think proper." I may observe here, that as to sending an outline, that is a voluntary act, because my predecessor never sent any outline; but I thought it might be more satisfactory, and I have gratuitously sent it, that the Lord Chamberlain might see what the subject of the play was.

851. What do you consider palpably exceptionable, that is at your own discretion?—It must be very palpable to everybody before I should interfere. I allude to political and personal allusions, downright grossness and indecency, or anything that would be profane, which any candid man could not but say was improper, about which there could not be two opinions.

852. The Committee have heard of your cutting out of a play the epithet "angel," as applied to a woman?—Yes, because it is a woman, I grant, but it is a celestial woman. It is an allusion to the scriptural angels, which are celestial

G. Colman, Esq.

20 June 1832.

bodies. Every man who has read his Bible understands what they are, or if he has not, I will refer him to Milton.

853. Do you recollect the passage in which that was struck out?—No, I cannot charge my memory with it. I do not recollect that I struck out an angel or two, but most probably I have at some time or other.

854. Milton's angels are not ladies?—No, but some scriptural angels are ladies, I believe. If you will look at Johnson's Dictionary, he will tell you they are celestial persons, commanded by God to interfere in terrestrial business.

855. Supposing you were to leave the word "angel" in a play or farce, will you state your opinion as to what effect it would have on the public mind?—It is impossible for me to say what effect it would have; I am not able to enter into the breasts of every body who might be in gallery, pit, or boxes.

856. But you must have some reason for erasing it?—Yes, because it alludes to a scriptural personage.

857. Must an allusion to Scripture have an immoral effect?—I conceive all Scripture is much too sacred for the stage, except in very solemn scenes indeed, and that to bring things so sacred upon the stage becomes profane.

858. What would be the result of using ordinary oaths, such as *Damme*, or any thing of that sort?—I think it is immoral and improper, to say nothing of the vulgarity of it in assemblies where high characters and females congregate; I certainly think it is improper, and beyond that, I believe you will find there are Acts of Parliament where swearing is restrained under a penalty.

859. Do you speak from your experience as to the immoral effect, or is it your opinion merely?—It is my opinion of the practice in general. I have seen a great deal of the stage undoubtedly, and so far I can speak from experience. I think nobody has gone away from a theatre the better for hearing a great deal of cursing and swearing.

860. How do you reconcile the opinion you have just given with your making use of those terms, such as *Damme*, or any of those small oaths which you say are immoral and improper, to say nothing of their vulgarity, in some of your own compositions which have met with great success on the stage?—If I had been the examiner I should have scratched them out, and would do so now; I was in a different position at that time, I was a careless immoral author, I am now the examiner of plays. I did my business as an author at that time, and I do my business as an examiner now.

861. Do you suppose that those plays of yours (which were so pleasing to the public, and are acted still with great success, from which you have not the power of erasing those small oaths) have done much mischief to the morals of the town?—They have certainly done no good, and I am sorry I inserted the oaths. As a moral man, one gets a little wiser as one goes on, and I should be very happy to relieve my mind from the recollection of having written those oaths.

862. Do you mean to say you regret being the author of "John Bull"?—No, that is a different thing; I might not be sorry to have made a good pudding, but if there are any bad plums in it, I should be glad to have them out.

863. But do you not think that what you call the bad plums contributed to the success of the piece?—No, certainly not; it is from habit; the actors think it hammers the thing stronger if they use a "damme," for which they are liable to 40 s. penalty. I will give you an instance in one of my own plays. Habit has made it forcible and strong to say "damme," but if "hang me" were generally adopted, it would be as strong; that is perfectly harmless to me, though not to the person hanged, and it would be quite as forcible to the audience. Sir Simon Rochdale, in John Bull, says, "Damn me, if it isn't the brazier!" Now, putting a gentleman in that position is wrong; in the first instance, morally so; if he happened to make a mistake, and it was not the brazier, he would be damned. Now, if he said "Hang me, if it isn't the brazier!" would not that do as well?

864. In that play also you talk of Eve, there is a very good joke about Eve; one of the characters has no more idea of something, than Eve had of pin-money. Do you call that improper?—Yes, that had better be omitted.

865. But the audience are always struck with that?—Yes; but I think all allusions to the Scripture had better be avoided; and recollect, I only recommend to the managers to leave it out: if they do not choose to leave it out I say nothing further about it. My directions to them, if directions they can be called, begin, "Please to omit the following underlined passages," and they do omit them or not as they please.

866. According



866. According to the Act of Parliament of the 10 Geo. 2, under which your appointment is made, is not a play or any new piece intended to be represented, to be given in to the Lord Chamberlain's office 14 days before the day of representation?

—Yes; it is sent to me.

867. Supposing, at the expiration of those 14 days, no answer is given to that play either by licence or refusal, can the theatre represent it?—No, certainly not. The Act of Parliament says 14 days at least; but, however, I will explain that, if you will permit me.

868. The Act of Parliament says, "that from and after the 24th of June 1737, no person shall, for hire, gain or reward, act, perform, represent, or cause to be acted, performed or represented, any new interlude, tragedy, comedy, opera, play, farce or other entertainment upon the stage, or any part or parts therein, or any act, scene or other part, added to any old interlude, &c., unless a true copy thereof be sent to the Lord Chamberlain of the King's household for the time being, 14 days at least before the acting, representing, or performing thereof." There is nothing in that clause which at all prevents the performance of that piece, if you make no return to the copy that is given to you?—I beg your pardon; I do not conceive that; there is no actual definite time fixed; but however, that goes to a point which never yet has arisen, and I should imagine never could arise since that Act of Parliament, for to accommodate the theatres in every point of view that it possibly can be done, they have always their licences long before the 14 days have expired. If it happens that the Lord Chamberlain is out of town at a great distance, I venture so far to take the responsibility upon myself: finding the play perfectly harmless, "I will be responsible to the Lord Chamberlain for your representation of it; act away, and when the Lord Chamberlain returns I will send you the licence." Every care is taken to facilitate the business of the theatres under the Lord Chamberlain's control; every possible accommodation is given.

869. On the manager of a theatre receiving back the play or the piece that has been submitted to your inspection, you compel him to pay two guineas?—I do not compel him, I demand it as a prescriptive claim.

870. Suppose he refuses to pay the two guineas?—I cannot help it.

871. Can you refuse to deliver his play?—I should imagine so.

872. Can you refuse to license his play?—I do not license the play.

873. If he does not pay, you will not license it?—I have not the power of licensing or suppressing it.

874. You will not pronounce an opinion upon that play?—I pronounce the opinion of the Lord Chamberlain; a notice being sent to the managers, saying it is licensed, or cannot be licensed.

875. Could the manager of a theatre who submits that play to you, act the play after you give him a licence, unless he paid you two guineas?—Certainly.

876. Suppose you give him no answer to the copy of the play he wishes to represent?—I always submit my opinion to the Lord Chamberlain, and supposing my opinion is favourable, and the Lord Chamberlain grants his licence, it is my duty to send that licence to the manager of the theatre. He receives that licence in the first instance, and then I expect, and my expectations are never disappointed, to receive two guineas; but if I do not receive it, I do not know what I must do. I must inquire what redress I could have under those circumstances; but it is incumbent on me, as a duty, to send the licence to him, and he must have it if it is granted.

877. Under what authority do you exact the two guineas?—I will tell you that. These fees are two guineas for the delivery of every licence, which sum has, to the best of my knowledge and belief, been regularly received by those holding my office ever since the Act of Parliament passed, in the year 1737, which placed theatres under the control of the Lord Chamberlain. Fees therefore appear to be established by a prescriptive claim of 95 years, and fees and emoluments are included in the terms of my stamped appointment. The fee of 40 s. was exacted in remote times, by the Master of the Revels, whose office seems from records to have been equivocal. A fee of two guineas for each licence has been paid time out of mind to the examiner, who is regularly and legally sworn into office, and his appointment is signed and sealed by the Lord Chamberlain; so that the examiner's fees are very materially less in the present day than they were in former times, according to the comparative value of money at the different periods.

878. But what proof have you that the examiner of plays, in 1737, received two guineas for his inspection?—I cannot conjure the dead from their graves, but I believe

G. Colman Esq.

20 June 1832.

it is perfectly well understood from tradition that it was always so ; and if I am required, I think I could make it out to some remote period.

879. Are you aware what salary the Master of the Revels enjoyed at that time, independent of fees?—I cannot tell ; I have no idea of that.

880. How far back are there any traces of these fees?—Since the year 1737, which makes it now 95 years.

881. Are you aware whether there was any salary enjoyed by the Master of the Revels independent of fees?—No. If you refer to theatrical history you may probably find that, but I am not aware of it ; that is rather a research into antiquity, which may be more entertaining to the curious in dramatics, than necessary for my purpose.

882. When was the salary of examiner of plays established on its present footing?—Ever since the year 1737, when the Act passed. There has been an examiner ever since.

883. What is your salary exclusive of fees?—The examiner's nominal salary is 400 *l.* per annum, but the deductions from it (the chief part of them reverting to the government as taxes) are no less than 31 *l.* 8 *s.* per cent., so that the actual salary is 274 *l.* 8 *s.* annually, a sum scarcely adequate, without the fees, to the labour of the business as now executed, and the constant residence in or near London.

884. In what way is that 31 *l.* 8 *s.* levied on your salary?—I have not got the documents, but there are a great many deductions for taxes, and some fees in the different offices, the Exchequer and the Treasury.

885. That does not amount to 31 *l.* 8 *s.* per cent.?—Yes, 31 *l.* 8 *s.* per cent. each year. There is a tax which is called wrongly in this instance, the land-tax, but it is levied on my place in the same ratio that the land-tax is levied, although I have no land except in the flower-pots out of my windows ; and of the 31 *l.* 8 *s.*, the chief part goes to the land-tax, as it is called. I forget exactly to what that amounts ; but however the whole deduction is 31 *l.* 8 *s.* per cent. I have not got the particulars here, but I can furnish them to the Committee if required.

886. Are you sure the land-tax is levied upon the salary, not upon the office?—Clearly.

887. From what department do you receive your salary?—Regularly from the Exchequer, but there is an agent employed ; it is a round about way of receiving it ; there is some difficulty in the Exchequer about forms, which I do not understand, and there is a gentleman in the Treasury who used to get my salary from the Exchequer, and I received it from him ; but it is now altered again, for there have been some regulations made lately as to the Civil List, and it is now paid into the Lord Chamberlain's office.

888. Does Mr. Mash charge any per-centage upon your salary?—No, certainly not ; I do not suppose Mr. Mash does. The other day I had the honour to be lieutenant of the yeoman of the guard, and I received my salary constantly from the Lord Chamberlain's office, and you gave the man, who was a porter, or who sent you notice that your money was ready, a shilling every quarter.

889. Can you furnish the Committee with the items of the deduction?—I have them not in my pocket or my head, but I will send them.

890. There is a return ordered from your office of the number of plays examined by you?—That is now made out ; I sent it the other day. It is a list of the plays examined by me, and licensed by the Lord Chamberlain, from the year 1829 to the present year inclusive. It is prepared in the Lord Chamberlain's office, and if not delivered in already, it will be immediately.

891. Do you know what the fees received by you last year for examining plays amount to?—I do not know. The year before last the number of plays was 111, which makes it double that number of guineas.

892. You do not receive any fee upon anything that is not licensed?—Certainly not.

893. Suppose a poor author should bring you a very excellent work, and he should represent that this fee was more than he could conveniently pay?—I hope I should not be deficient in charitable feelings on such an occasion, besides my *esprit du corps* in favour of dramatists.

894. But you certainly would not in such a case at all impede the granting of the licence on account of not receiving the fee?—No, surely not ; God forbid that I should ! If I met with any person to whom two guineas was an object, I should certainly withhold the claim, but in general I ought to have my fees. I think

Dr. Johnson

Dr. Johnson mentions somewhere in his *Life of Addison*, that Addison was very scrupulous as to his fees; he would not give them up to his friends, and the reason was, because two guineas were very little to them individually, but made a great difference to him in the aggregate.

G. Colman, Esq.

20 June 1832.

895. You do not receive more than 400*l.* a year after all deductions?—I may have made at times nearly 500*l.* It is somewhat ameliorated since the Frenchmen came. Whenever there are more theatres there is more emolument, and therefore, in point of dry and sheer interest, I ought to argue stoutly for there being 20 theatres in London, but my conscience will not permit me to say that; I believe there are too many already.

896. Have you received 200*l.* in fees in any year?—Yes.

897. Three hundred pounds?—No, I think not.

898. Are lectures in astronomy subject to your examination?—I think every thing on the stage ought to be. The Duke of Montrose thought so, and astronomical lectures were licensed at that time.

899. Have they been licensed since?—I do not believe anybody has been talking to us about the stars lately.

900. Are Mathews's entertainments licensed?—Yes, certainly. The last part, the *Monopolylogue*, as he calls it, is a farce, or (I beg his pardon) a comedy. It is a regular dramatic piece, but he acts all the characters himself.

901. That is licensed?—Yes.

902. It is submitted to your examination?—Yes.

903. Are oratorios licensed?—Yes; in the Duke of Montrose's time they were, and I think ought to be now; not for the sake of the fees.

904. Why?—Because I think they may be immoral things.

905. Immoral oratorios?—Yes; it sounds like a contradiction, but it is so. If you read the *Biographia Dramatica*, you will find there is one mentioned as scandalously immoral.

906. Did not Mr. Hawes resist the Lord Chamberlain, in the case of Joseph and his Brethren?—Yes; a licence was granted to him, and he would not pay for it, and he placarded me in his advertisements.

907. Was the licence refused or granted?—The licence was granted, and he would not pay the fee, but he placarded me and blackguarded me, and that set me, at five minutes leisure I had, upon calculating the amount. He said if the precedent were admitted, God knows what expense future oratorio makers and undertakers would be subjected to. I calculated what it would be, and I believe it amounted altogether to no more than four guineas in two or three years.

908. Did you prohibit his playing it?—No; he played it and chuckled at his triumph, and sung and roared away. His oratorio went on; he had his licence, and I had not my two guineas.

909. Was the performance withdrawn?—No, it took place.

910. Then it appears dramatic performances do take place without paying the fees?—Highway robberies do take place, but they are contrary to law.

911. Where is the law for your taking fees; do you find it in the Act of Parliament?—No; they are the fees prescriptively claimed for 95 years.

912. But you cannot prove yourself they were paid 95 years ago?—No; we have no means to prove anything but records or tradition relative to the time of William the Conqueror.

913. Where are your records?—They will be found in the Lord Chamberlain's office. I beg Mr. Mash may be asked about that.

914. Mr. Mash stated he knew nothing of your fees, or of the power under which you exacted them?—So I understand.

915. Do you consider it to rest upon custom?—It is a prescriptive right.

916. There is no written law upon the subject?—No; the common law is not written law.

917. Is the amount mentioned in your appointment?—No; I only go by what has been paid time out mind.

918. Have you any table of fees in your office?—That is a question for Mr. Mash to answer: I suppose prescription would be tantamount to a law.

919. From what source have you derived your information that these fees are prescriptive?—From my inquiries at every theatre when I had my appointment. Depend upon it, had I exacted more than my predecessors in office had asked, the theatres would have told me fast enough that I asked too much.

G. Colman, Esq.  
20 June 1832.

920. It is not said you have exacted too much ; but is there any authority for their being asked?—Yes ; when I was manager at the Haymarket, I paid Mr. Larpent two guineas over and over again.

921. There is nothing but a custom from which you can ascertain the amount?—No.

922. Can you ascertain the amount in the time of Charles 2?—That was in the time of the Master of the Revels ; this Act of Parliament passed in the time of George 2.

923. But there were fees paid before the Act of Parliament?—There were fees paid to the Master of Revels, and Cibber and he had a dispute about it.

924. If he received fees, that would be a precedent for you?—Very well ; the Master of the Revels did receive fees.

925. Can you prove that the Master of the Revels received fees so far back as the time of Charles 2?—Yes ; I have no written document, I have only history and records to go by. Colley Cibber, who was contemporary with the Master of the Revels, gives an account of having paid his fees, and at last disputes the point with him ; but it is stated that they had paid them, and that long before this Act was passed.

926. Then you can trace the existence of the custom as far back as that time?—Yes, on the authority of Colley Cibber. In his *Apology for his Life*, chapter 8, you will find a long account of the Master of the Revels having received fees.

927. Is there not also an account of those fees being disputed?—They were disputed, because his authority altogether was disputed.

928. Cibber is no authority in point of law?—I do not know where you will get law so far back. “ In the eighth chapter of an ‘ *Apology for the Life of Colley Cibber*,’ we are told there was good reason to suppose that the Master of the Revels had usurped a control which he did not legally possess ; and we also learn, that having usurped it, he then grossly abused it. The law lately passed, says Cibber, by which the power of licensing plays, &c. is given to a proper person, is a strong presumption that no law had ever given that power to any such person before.”

929. Can you prove that fees were paid to the Master of the Revels so far back as the time of Charles 1, for Mr. Malone mentions that?—I shall be much obliged to any gentleman who will put me in the way of proving so difficult a thing ; how can we prove it, except from records, or tradition?

930. Mr. Malone quotes those records ; are you aware he quotes the accounts of Sir Henry Herbert?—The Master of the Revels pretended to have power he did not possess ; and Cibber says, it was under that pretence he got his fees. Now the power is vested by Act of Parliament in the Lord Chamberlain.

931. Cibber does not speak only of his fees?—No.

932. Have you not a copy of your appointment?—I was told it must remain in the Treasury, and there it is.

933. Can you state to the Committee what provincial theatres are favoured by your protection?—All that have a right to act the whole round of the drama, which power they obtain thus : in places remote from London, so many miles from the King’s residence, and so on in provincial towns, there are certain theatres which the magistrates have the power to license for 60 days, with certain intervals between those 60 days.

934. For what purpose?—For the purpose of acting the whole round of the drama ; but if those theatres, so licensed by the magistrates, produce plays which have not been licensed in London, or which are totally new, they are subject, like the London theatres, to the control of the Lord Chamberlain.

935. Have any of those theatres ever applied to you for a licence?—Yes.

936. Which?—Several.

937. Can you name one?—Yes, Liverpool.

938. Liverpool is a theatre royal?—Yes, there are some theatres in the country which are so.

939. Liverpool is not licensed by the magistrates?—No.

940. You say theatres licensed by the magistrates have applied to you for a licence?—Yes, some theatres in the circumstances I have stated, as well as patent theatres in the country.

941. What theatre, licensed by the magistrates for the performance of the regular drama, has ever applied to you for a licence to play a new piece ; can you name one?—Yes, Brighton.

942. Brighton

G. Colman, Esq.

20 June 1832.

942. Brighton is a patent theatre?—Yes, so it is\*; but I am positive several have applied; Norwich, I am not sure that is not a patent theatre.

943. You are certain the theatre licensed by the magistrate has recognised your authority?—Yes, I am confident of it.

944. You are not able to name one?—No.

945. Birmingham is a patent theatre?—Yes.

946. Manchester is the same, and York?—Yes; Coventry is not a patent theatre, and that will answer two questions; for I remember licensing, or rather transmitting a licence, to Coventry, for a piece written by a poor author who had no fees to pay, for I refused to take them.

947. Coventry is not a theatre royal?—No; to the best of my knowledge, certainly not.

948. You are not quite sure about that, are you?—No, these are things I carry on my shelves; my head is not big enough to hold them.

949. Then your opinion is, that no play can be acted anywhere without having previously received the licence of the Lord Chamberlain?—Yes. As to those theatres over the water, they are perfectly lawless; they only act under the common magistrates' licence, which is to license music and dancing; for the Legislature, when it passed the Act of 1737, did not contemplate that the town would get so overgrown as it is, therefore they never thought of those people that have since struck up, who get the common magistrates' licence for music and dancing, and abuse it to the extent you have seen.

950. Do they bring pieces to you to be licensed, or not?—No, they set us at defiance; they are outlawed, or at least lawless.

951. Then have you no remedy?—I suppose I have the same remedy as any common informer; but as I have enough to do as examiner, I do not choose to turn common informer.

952. There is a remedy, if you choose to exercise it?—There is a remedy, and I believe they have tried it by information, but the expense is so great that those whom it concerns do not like to inform any further.

953. What is the penalty?—The penalty, if you act anything unlicensed in a regular theatre, is very heavy indeed, 50*l.* for each time the offence is repeated, upon every person engaged in it, and a forfeiture of the grant by which they have the right of opening the theatre. If I were an informer, I could have shut up all the theatres every night by going strictly into forms.

954. Are you not in the habit not only of licensing dramas, but songs, prologues and epilogues; do they not require a special licence?—Yes, it is so stated in the Act of Parliament; but prologues and epilogues are generally sent with the dramas to which they belong, and they are all lumped in with the drama, unless they are sent afterwards.

955. If any alterations are made, would that require a fresh licence, and would you demand another fee?—Nothing on the stage is to be uttered without licence.

956. You would demand another fee?—Yes, to be sure, if there are material alterations. I do not mean to say if you alter a word or two. They do it *ad libitum*.

957. If a song is licensed for one theatre, is it necessary to be licensed again for another theatre?—No, certainly not; but what is licensed for Drury Lane or Covent Garden they have no right to play at the minor theatres, because the minor theatres are restricted to certain performances, and if under the licence to the patent theatres they perform a species of drama they have no licence to represent; they should not do it.

958. What is a licence for one minor theatre with respect to pieces is a licence for all?—Yes.

959. You say, in the paper which you have given in, that a piece was brought forward at Paris, in which incest, adultery, murder, parricide, &c. formed the groundwork; do you consider you would be perfectly justified in refusing to licence a piece in which those crimes were introduced?—No, not precisely that; let me see how the plot thickens. I should not refuse to licence the murders of Richard III. and so on, but when it comes to such things as human nature and morality shudder at and revolt against.

960. Does

\* The Brighton theatre is found, on reference, to act under an annual licence from the Lord Chamberlain, it being situated in the vicinity of the King's residence.



G. Colman, Esq.

20 June 1832.

960. Does not human nature and morality shudder at Macbeth, if we can suppose morality to shudder?—Yes; but it is a matter of history.

961. Do you mean to say in those cases you would only withhold the licence to those plays which seem to have justified such acts, or do you mean from the mere introduction of the thing?—Exactly; things that seem to any reflecting or dispassionate mind really to justify murder.

962. Either to justify or encourage it?—Yes. We have murders upon the modern stage more frequently than the ancients had.

963. You say incest, adultery, murder, parricide, &c.; are not those crimes the results of the passions upon which the interest of great dramatic performances is founded?—Yes, in some instances.

964. Would you wholly exclude them?—No; nor are they excluded in general. It is only where there is something so shocking as to justify exclusion.

965. Would the mere introduction of anything that is shocking, justify you in censoring or refusing your licence to that performance, or is it only its being introduced in such a manner as to seem to justify or encourage the crime itself; would the mere introduction of it be sufficient?—The reason of suppressing every thing of that sort is, when it may make a bad impression on the people at large. It is impossible to answer so comprehensive a question. It must depend upon the discretionary power of the Lord Chamberlain; and I have already shown how far it is from the wish of the Lord Chamberlain to object.

966. You only refuse your license to such things as tend to justify or encourage crime?—Certainly.

967. Have you any idea of what you should consider politically wrong?—Yes, certainly; anything that may be so allusive to the times as to be applied to the existing moment, and which is likely to be inflammatory.

968. You would think under a Tory administration, anything against the Tories would be wrong, and under a Whig administration, anything against the Whigs?—I should say to the manager, “I do not pretend to interfere, but you had better not allow it for the sake of your theatre, as you will have a row in your theatre.” It was but the other day the word “reform” was mentioned, and I understand there was a hubbub.

969. Where was that?—At all the theatres.

970. In the exercise of your censorship at the present moment, if the word reform should occur, you would strike it out?—No; I should say, “I think you had better omit it; I advise you to do so for your own sakes, or you will have a hubbub.”

971. There was a play of Charles the First you refused to licence?—Yes.

972. Why did you refuse to license that?—Because it amounted to every thing but cutting off the King’s head upon the stage.

973. So does Julius Caesar?—Yes, but not in that way. If you took the trouble of reading the two plays, you would see the difference. There is a discretionary power in the Lord Chamberlain.

974. Is it all a matter of discretion and caprice?—It is the discretion of the Lord Chamberlain.

975. Or a caprice?—You call it so.

976. Is your appointment for life or at will?—I understood for life, unless I misbehave myself.

977. Has the Lord Chamberlain power to remove you?—I do not know how far the Lord Chamberlain’s power extends, but it has been always considered the next thing to a patent place; it is not a patent place certainly.

978. How does the appointment specify it: is it from year to year?—No.

979. Is it during pleasure?—No, it does not say so.

980. Is there a fresh appointment on every new Lord Chamberlain?—No; there is in every new reign.

981. There is no fresh appointment on the change of Lord Chamberlain?—No, I am turned over to the next.

982. Suppose he did not wish to continue you, could he displace you?—No, I should demur to that; I do not know what power the Lord Chamberlain has to displace me; such a thing was never thought of.

983. Is the Dublin theatre under your protection?—No, there is a Lord Lieutenant there; it is under the control of his household.

984. You are quite sure the Dublin theatre has never paid two guineas to your office?—Quite sure, for there is a sort of Master of the Revels appointed there; they are under control, dependent on the Lord Lieutenant’s regime.

985. Then



G. Colman, Esq.

20 June 1832.

985. Then upon the Dublin stage anything may be performed?—No, I am not acquainted with the sort of administration there, but I understand it to be under the control of persons or a person appointed by the Viceroy of Ireland.

986. They have a licencer of their own?—Yes, they have, as I am told.

987. How is it with regard to Edinburgh?—That is under the Lord Chamberlain of England.

988. England and Scotland?—Yes, all the United Kingdom except Ireland.

989. You stated just now that in those provincial theatres which are licensed by magistrates for the regular drama, in the event of their wishing to act any new piece that may be written in the country, they are obliged to submit it to your inspection, and the only instance you named was Coventry; in what way do you claim that power, as the Act does not give it you?—Yes, there is an Act of Geo. 3.

990. Where do you find the licencer mentioned in that Act?—If you will look in the Act you will find it.

991. Do you mean to say your power is recognised?—Yes, under the Lord Chamberlain.

992. According to your opinion, the only part of England that is not able at this moment to have the regular drama represented, according to the construction you put upon the Act, is Westminster, and 20 miles round it?—No.

993-6. Suppose the inhabitants wish the regular drama played 19 miles out of London, how could they have that done?—You must go further still.

997. Then within Westminster and 20 miles is the only part of England where the regular drama cannot be performed?—If you will have the goodness to refer to the Act, that will give you every information.

998. That only applies to 20 miles beyond Westminster. Is there any place within that 20 miles where there is any possibility of having the regular drama performed?—Not by a magistrate's licence.

999. By what other licence; is it the Lord Chamberlain's?—No; the Lord Chamberlain has no such jurisdiction.

1000. Then how can it be obtained?—By repealing a part of the Act of Parliament, as in the case of the patent theatres.

1001. Then you think an alteration in the law would be of use?—If you want to license those people over the water, to put them on a regular footing, you must, as in the case of the patent theatres, repeal a part of the Act of Parliament, which would give them a patent, or, if you do not like a patent, you may repeal the Act as to the magistrates, and give them a power to license. But however, that goes to legislation, and that is beyond me.

1002. You, as examiner of plays, ought to know something on the subject?—As far as my duty goes, I wish to inform myself as well as I possibly can; and I think I have given *you* some information.

1003. Do not you think it hard upon people who live within 20 miles of Westminster, that they cannot have the regular drama performed?—It is difficult for me to give any opinion as to the hardship.

1004. Is it not an anomaly?—I think it is hard those people over the water are suffered to do what they are doing, that they are suffered to go the lengths they are now going.

1005. That is not an answer to the question. The question was, why people who live within 20 miles of London should not have the power of having the legitimate drama performed?—You must ask the Legislature that question.

1006. Do not you think that an anomaly?—It is so; seeing one party is admitted to do this and another not, it is so far anomalous.

1007. Does not the Lord Chamberlain's power extend to where the magistrates' power begins?—No.

1008. They can only give a licence 20 miles out of Westminster?—No.

1009. Then you think the regular drama ought to be confined to the two patent theatres?—I think it would be better for all parties.

1010. Can the Crown by patent licence theatres in Westminster, or within 20 miles?—I believe not. In the present day, although the number of theatres in and about the metropolis has greatly increased, the general taste for play-going is evidently on the wane. Still there should be no restrictions, as the honourable Member for St. Ives says, in the performance of the legitimate drama at every theatre. Now it happens that the restricted Adelphi and Olympic theatres are thriving, while of the two legitimate patent theatres, the lessees of one have lost

G. Colman, Esq.

20 June 1832.

several thousands per annum, and the ruined proprietors of the other are letting their house if they can to the best bidder. If the minor theatres be wise, they would wish for no further latitude than that they now enjoy.

1011. The Committee will not trouble you for any opinion as to the interests of the minor theatres, as they are the best judges of their own affairs. You state that the patent theatres are not flourishing; do you mean that the regular drama is not in a state of prosperity?—If all theatres are to be allowed the performance of the legitimate drama, where are their actors to come from? The two patent theatres have a difficult task in finding a company at each adequate to the performance of the whole round of stage business.

1012. If you say the patent theatres are not flourishing, that is admitting the mere performance of the regular drama is not a source of prosperity?—Certainly; and if two theatres which play the regular drama cannot prosper, there is a worse chance if you license 20 instead of two theatres.

1013. Do you think the legitimate drama can be better performed at Covent Garden or Drury Lane than at the Haymarket or Adelphi?—Yes.

1014. With regard to comedy, do you think legitimate comedy can be better played on the large stage of Covent Garden than in the smaller stage of the Haymarket?—They have a better collective company trained to that style of acting, which is not the style of the minor theatres. The Haymarket theatre can scarcely rank among the minors, as it is licensed for *the whole round* of the drama.

1015. Suppose the company were put upon a smaller stage, would not a comedy appear to as great advantage at the Haymarket as Covent Garden?—I think if theatres are so large that you cannot see and hear, smaller theatres are preferable.

1016. Do you consider that to be the case at Covent Garden?—I am near sighted, and I cannot see so well there certainly.

1017. Can you hear as well?—Whenever I go the managers are very kind, and they have placed me in a private box near the stage, where I hear well enough.

1018. Can those hear who sit in the centre of the house?—I never did sit in the centre of the house.

1019. Which do you prefer as an author?—I should wish everybody to see and hear my play, except those who are inclined to damn it.

1020. Now, as an author, would you like John Bull or the Iron Chest to be played on the Covent Garden stage, or the Haymarket, by as good a company; which stage would do your composition most justice?—I should say, perhaps, one is too large, and the other too small; I am speaking of my own former Haymarket theatre.

1021. With reference to the present theatre?—I have never been in it.

1022. Have you ever been in the Adelphi?—Yes.

1023. Should you prefer Covent Garden or the Adelphi?—I should say the Adelphi was too small.

1024. Which would you prefer?—I have not turned that matter in my mind; the next play I write I will consider of it.

1025. Will you answer the question with reference to the plays you have written; suppose you had the choice of performing John Bull or the Iron Chest at Covent Garden, or the Adelphi, which would you prefer?—I must hesitate about that. If I sent it to the Adelphi, I should wish it on a larger scale than it is at this moment; and with a view to my profits, I should wish it much larger.

1026. But to do justice to your composition and powers as an author, would you choose Covent Garden or the Adelphi?—With a view to merely seeing and hearing, I should perhaps choose a less theatre than Covent Garden, and a larger theatre than the Adelphi; something between them.

1027. Then, except with a view to the better receipts you would get at the larger theatre, you think it would be better performed at a smaller one?—I have not exactly said that.

1028. With a view to the essentials of seeing and hearing, you think a smaller theatre would be preferable?—If it is too large.

1029. Have you ever visited the Coburg?—Yes.

1030. That is a larger stage than the Adelphi?—Yes.

1031. Then, as between Covent Garden and the Coburg, which would you select for the representation of any new piece or old piece of your own?—I think, certainly, the theatres are too large, and I should rather see my play acted at such a sized theatre as the Coburg.

1032. You

G. Colman, Esq.

20 June 1832.

1032. You would prefer the Coburg to Covent Garden?—I cannot say which I should prefer; I could not answer the question to myself until I had taken time to reflect upon it.

1033. Do not you think the size of the theatres compels the managers to seek to amuse the eye rather than the ear, and that it has led to the triumph of scenery rather than of poetry and acting?—They play all sorts of things; a drama is now exceedingly popular, and having a great run, called “The Hunchback,” which seeks to please the ear more than the eye.

1034. Is not that an exception, as many such have not been produced of late years, but they have depended more upon scenery and quadrupeds than good acting?—I certainly think the size of the theatres has led them to spectacle and sing-song.

1035. When you said the minor theatres had been flourishing, and therefore you would wish for an alteration in the present system, is not that rather owing to their being able to invade the present law, than to the present law being in full operation?—I cannot enter into that.

1036. Do they at present invade the law as far as the legitimate drama is concerned?—Yes, certainly, they do.

1037. Then that is the reason of their flourishing?—No, I do not know that.

1038. If they only sung and danced, do you think they would flourish?—I am not able to answer that question.

1039. Will you have the goodness to point out the clause in the Act of the 28 Geo. 3, which gives you authority over new pieces produced at provincial theatres?—The clause is—

1040. Where is any power given to you in that clause?—Whatever new play is licensed by the Lord Chamberlain, they have a right to perform, and no other.

1041. They have only a right to perform plays produced in London, which have been licensed by the Lord Chamberlain; but how are they bound to submit to you a new play written in the country?—I think they are. If they are empowered to perform plays which have passed through the strainer of London, *à fortiori*, they may require a licence for themselves. If there is any doubt about it, let the Coventry theatre send up a play to be licensed, and according to your argument, we have only to make out a licence for Covent Garden and Drury Lane, and it is suitable for Coventry.

1042. But you have no original jurisdiction over the provincial theatres?—I have taken things as I have found them, and it is so understood all over the country, and they send up plays to me: it is no innovation or suggestion of mine, I found the practice existing.

1043. That is in the case of theatres royal, but you have not mentioned any provincial theatre licensed by the magistrates which submits to your authority?—I have not my book, but I have mentioned Coventry; and could mention others, but they do not occur to my mind. If the Committee require it, I will send a list.

1044. Do you think performers always adhere to your corrections?—I believe so.

1045. Do you ever take any measures to enforce your correction?—No, I have no ulterior power; if there is any necessity to enforce them, it is the Lord Chamberlain who must do it. If I thought they were going too far, I should certainly represent the case to the Lord Chamberlain, and he would act at his discretion.

1046. You never send anybody to ascertain whether your corrections are observed?—I need not do that; I have enough occupation not to volunteer that; I have plenty of information on the subject.

1047. There is a theatre in the Strand, perhaps you are aware of, which is performing now?—Yes, I think that theatre is performing without any authority whatever.

1048. Does it ever submit plays to your inspection?—Never. I understand they have been sent to from the Lord Chamberlain’s office, and told they are going beyond the line, and, as I understand, they have answered they do not think so; and they go on; but that cannot last for ever: the question must be settled one way or the other, I presume.

1049. What means have the Lord Chamberlain’s office taken to stop them?—I think the Lord Chamberlain can stop them.

1050. What are they doing in order to stop them?—I cannot say, that is out of my department.

G. Colman, Esq.

20 June 1832.

1051. Do you think the legitimate drama being played at all the minor theatres within the bills of mortality would operate beneficially or otherwise to the drama in general?—If I am asked my private opinion, I am afraid they would injure themselves.

1052. Never mind themselves; what effect would it have on the drama in general, or dramatic literature?—If those who are to conduct the affairs of dramatic literature are to injure themselves, I cannot think dramatic literature itself would be benefited. If all the concerns fail which are to perform the drama, what is to become of dramatic literature itself? It would go to the dogs along with the rest.

1053. What injury do you apprehend would result to the patent theatres if the legitimate drama were allowed to be acted at the minor theatres?—It might draw audiences from one place to another, so that none of them would have audiences sufficient to pay their expenses.

1054. Should not you think it would increase the number of persons who like to go to theatres?—I should doubt it. If people have not a relish for going to two theatres, I do not think that relish would be increased because there are 20.

1055. To what do you attribute the loss of money which every year takes place at Covent Garden and Drury Lane?—I think it is a horrible ruin, there is no doubt.

1056. What is the cause of it?—I do not know; they are extremely industrious, and the cause is from the taste of the town being very much altered, and from a change of habits. For instance, gentlemen of the description I have now the honour of talking to, go to dinner about the time of half-price, and therefore they are not the supporters of theatres; that is the generality; there are some amateurs.

1057. Do you think the theatres should be kept open two hours later?—No; what is to become of your other customers, the tradespeople? if they are to be kept up as long as fashionable people, they would not be able to open their shops in the morning.

1058. Do you think the tradespeople support the theatres?—I think that a great part of the audience consists of visitors to London, people who have come to see the lions, foreigners, and so on.

1059. Do not you think one great cause for their failure is the theatres being too large?—I think there is a redundancy of room, if they cannot fill them.

1060. Will you have the goodness to furnish the Committee with the items of deduction made in your salary?—Yes; I furnished the other day a list of plays.

1061. Will you also state the amount of fees paid to you?—I have stated already the fee was two guineas each. At the end of each season there is the number of plays that have been licensed, which will give the amount of fees; suppose we say 100 plays, that will be enough, as you will see I have received 200 guineas.

Mr. William Dunn, called in; and further Examined.

Mr. William Dunn.

1062. WILL you have the goodness to state to the Committee what you conceive to be the privileges granted to Drury Lane theatre by the Killigrew patent which they possess?—The exclusive right to perform all entertainments of the stage of whatever sort, by the patentees or proprietors of such patent.

1063. Do you mean throughout the year?—Yes.

1064. Where do you find an exclusive power in your patent?—I conceive it is an exclusive power.

1065. You say exclusive right?—Yes, as far as Killigrew's and Davenant's patents go.

1066. Do you mean no other theatre has a right to perform the legitimate drama but Covent Garden and Drury Lane?—Yes, unless another patent should be granted by the King.

1067. You say only so far as Killigrew's and Davenant's patents go?—Yes, there are only those two patents existing.

1068. Do you mean the Lord Chamberlain has not the power to license another theatre for the performance of the legitimate drama within the city of Westminster?—He has the power.

1069. How do you reconcile that to your exclusive right; your rights are not exclusive if he has the power?—We claim to play all entertainments of the stage under that patent of Killigrew's.

1070. But those are not exclusive rights if the Lord Chamberlain has the power to grant the same right by an annual licence to a minor theatre; in that case, what becomes

becomes of your exclusive right?—With that exception, that the King can grant a patent, or the Lord Chamberlain can grant licences from time to time as he thinks proper.

Mr. William Dunn.

20 June 1832.

1071. Then the Lord Chamberlain is paramount to your patent?—He has licensed the Haymarket, the English Opera, the Olympic, and Mathews's entertainments; but still we complain of the exercise of that power, and have always petitioned against it.

1072. Have you any remedy at law against the Lord Chamberlain for allowing the representation of the legitimate drama; at the Adelphi, for instance?—No, I do not know that we have.

1073. Then, in point of fact, the Lord Chamberlain is totally independent of you?—I apprehend he has the power of granting licences.

1074. You have an exclusive power, but it is at the discretion of the Lord Chamberlain?—Yes, and the King.

1075. Your patent does not prevent the Lord Chamberlain from giving another licence?—No.

1076. Have not you a licence as well as a patent?—We have, for 21 years.

1077. How many of those years are unexpired?—Five; the renewal was in 1816.

1078. Was there not an arrangement made between the Opera House and Drury Lane and Covent Garden, in 1792, with regard to the description of performances?—There was.

1079. Do you conceive the Lord Chamberlain has exceeded his power, or at all violated that agreement?—It was never contemplated at the time that agreement was entered into between those parties that the Lord Chamberlain would have exercised the power he has exercised since.

1080. Then you think he has exceeded his power?—Yes, we conceive so, or we should not have complained of it.

1081. It is rather a breach of understanding than an infringement of your rights?—Yes, both.

1082. Then are the Committee to conclude that the proprietors of the two patent theatres did not know of the power of the Lord Chamberlain as to his being able to grant licences for the performance of the legitimate drama?—No, we only complain of the usage of that power, when he does it to an extent which is an injury to the patent theatres.

1083. Was not there an application made to Parliament in 1809 for a patent for a third theatre, when Drury Lane was burnt down?—There was.

1084. It was refused, was it not?—Yes.

1085. Do you know why?—Because it was conceived the town did not require a third theatre, and it would be the utmost injustice to the two patent theatres, more especially Drury Lane, which was burnt down, and the proprietors were using their utmost exertions to rebuild it.

1086. Will you state the circumstances under which Drury Lane obtained the licence for 21 years, which remains unexpired?—That was obtained for the purpose of rebuilding Drury Lane theatre. The dormant patent, or rather Killigrew's patent, had not been possessed by the proprietors of Drury Lane theatre, who had only paid for that part of it which was Mr. Harris's share. There were other interests still to be paid for; they only possessed 46 shares out of 60, and there remained 14 sixtieths to be purchased. They had not funds at that time to purchase the 14 sixtieths, and therefore Mr. Sheridan and Mr. Whitbread being extremely anxious to go forward with the subscription to rebuild the theatre, applied to the Lord Chamberlain for a renewal of that 21 years' licence, as they could not get subscriptions on the remaining few years which were running on the 21 years' licence then in existence. They got that 21 years' licence renewed, and subsequently paid the balance, to the amount of 9,000*l.*, and possessed themselves of Killigrew's patent entire.

1087. Do you consider that was a good or wise step on the part of the Drury Lane proprietors to possess themselves of Killigrew's patent; do you consider it was a provident purchase?—Yes.

1088. At whose recommendation was it done?—It was in the Opera arrangement, and took place at the particular recommendation of the Prince Regent and the Duke of Bedford, who refused to grant a lease for a term of years unless they purchased Killigrew's patent. He made objections to granting a lease for 103 years until Killigrew's patent was purchased.

679.

14

1089. What



Mr. William Dunn.

20 June 1832.

1089. What was it to the Duke of Bedford?—The same necessity existed in the year 1793 (for the purchase of Killigrew's patent for Drury Lane theatre) as existed in the year 1810, when the present theatre was built, by paying the balance, namely, that they should possess that patent which was supposed to run for ever.

1090. What benefit did the theatre derive from the possession of that patent?—As I have stated, the exclusive privilege of playing all entertainments.

1091. Then where was the necessity of the licence?—They had not possession of Killigrew's patent at that time, and therefore they required in the interim to get the 21 years' licence.

1092. Then it was to cover the remaining part of the patent?—Yes.

1093. Was Killigrew's patent purchased after the subscribers had contributed their money for building a theatre?—The first portion of it, 11,900*l.*, was paid in 1793, and 9,000*l.* was paid subsequent to the rebuilding of Drury Lane theatre.

1094. Then the subscriptions were given on the faith of its being purchased?—Yes, the subscriptions came in very slowly, until Mr. Whitbread was able to report they were likely to possess themselves of Killigrew's patent.

1095. What was the arrangement made with the Opera House?—That they should be confined to Italian operas; or rather, Drury Lane and Covent Garden were precluded from playing Italian operas, and the King's theatre was to play only 60 nights in the course of the season.

1096. Where is that specified?—In the Opera arrangement.

1097. Have you a copy of that?—Yes.

*[It was delivered in.]*

1098. At the same time Drury Lane gave up its privilege of acting Italian operas?—Yes, they did, and have continued to desist from acting Italian operas ever since.

1099. Did they consider that a valuable privilege?—A valuable privilege it would have been if they were empowered to do it. They were empowered if they had broken through the arrangement, but they have kept it sacred.

1100. But it was upon the understanding the patent was valid, and the faith of the theatre having the exclusive privilege, that the subscribers continued their money?—Yes, generally; in a great measure it induced the subscribers to go forward.

1101. They put that forward to the public?—It was Mr. Whitbread, in the report.

1102. Was there any prospectus given out to the public with regard to that?—Only in the report drawn out.

1103. Was there any understanding between Drury Lane and the Crown or the Lord Chamberlain at that time?—Not that I am aware of. The Act of Parliament directed that the balance of Killigrew's patent should be paid.

1104. That was the basis of the agreement?—Yes.

1105. Have you got a copy of that agreement, the basis of the present contract?—It is in the Act of Parliament.

1106. Was it not the custom for the Lord Chamberlain to consult the patent theatres whenever an application was made to him for a licence for a single night at a small theatre?—No; it was in Lord Salisbury's time.

1107. That has never been resorted to by the present Lord Chamberlain?—I think when Lord Dartmouth came in he discontinued it.

1108. When you were examined the other day, you stated Mr. Mash received an annuity of 100*l.* from Drury Lane?—Yes.

1109. Are you aware how that originated?—I never knew how it originated, but I always understood it was for the renewal of that licence for 21 years.

1110. For the good will of the Lord Chamberlain's office?—Yes.

1111. Do you consider that a provident or a good bargain?—It was considered improvident by Mr. Whitbread, who intended to discontinue it as soon as the balance of Killigrew's patent was paid, because there was no further necessity for the Lord Chamberlain's licence.

1112. Why should the Lord Chamberlain's office interest itself in whether Killigrew's patent was bought or not?—It made a difference in Mr. Mash's fees every time there was a renewal.

1113. It was an annual licence before?—No, it was for 21 years. About 1709 the first licence commenced.

1114. Then having purchased the patent, you were independent of the Lord Chamberlain's office?—Yes, having purchased Killigrew's patent, we consider ourselves independent.

1115. From



1115. From whom was it purchased?—From Mr. Harris, Mr. White, and Mr. Martindale; they were the parties.

1116. Do you conceive you can play Italian operas at Drury Lane theatre without the leave of the Lord Chamberlain?—I think we could, under Killigrew's patent.

1117. Do you consider it an infraction of the patent, by German and French operas being played at the King's theatre?—Yes, the agreement has been broken by the Opera House proprietor, inasmuch as they play six nights in a week, and play French and German as well as Italian operas.

1118. You would justify your breach by their breach?—Yes, if we were to break it.

1119. The condition for which you gave up your right of playing Italian operas has not been complied with?—Mr. Taylor was to pay a certain amount of the balance of the patent in consideration of our desisting playing Italian operas.

1120. In whose hands was Davenant's patent at that time?—Covent Garden theatre.

1121. Which was Mr. Harris the manager of?—He was the manager of Covent Garden too; he possessed both the patents.

1122. Then before Drury Lane possessed Killigrew's patent, under what authority did they act?—The 21 years' running licence.

1123. Do you know for how great a length of time the two patents had been held together by Covent Garden theatre; how did it happen they came together, because originally there were two?—I believe the town did not support the two theatres at that time; and they were united in 1620.

1124. Do you happen to know how many years they were united?—No.

1125. What objection have you to Shakspeare, or any of the legitimate dramatic authors, being acted at the minor theatres?—I think to throw open the drama would be destructive of it, inasmuch as there are not performers sufficient in number, nor I believe in the country, for we have no school of actors.

1126. It appearing there are not performers sufficient to play on the large stages, do you not think there are plenty of performers who would play respectably and satisfactorily to the public upon the stages of the minor theatres?—No, I think not; they may play very well for the representation of spectacle and their own pieces; but if you were to play Macbeth at the Coburg theatre, say with Mr. Young in Macbeth, and the other parts filled up with the performers who are in the habit of playing at the Coburg, it would be a miserable representation.

1127. Do you not think, if they were in the habit of playing the legitimate drama, there would be many more people come forward to fill those parts than at present?—No, I think not.

1128. Now, are you not aware that all the great actors of the day have come out at the country theatres?—Many of them; but there is no school in the country now.

1129. Do you not consider these numerous theatres would be so many schools and nurseries for actors, if they played the legitimate drama?—The fact is, that actors are not coming forward.

1130. Then allowing the minor theatres to play the legitimate drama would not hurt you if there were no scholars?—But during the time you are playing the legitimate drama with scholars you very much deteriorate.

1131. May not actors succeed on a small stage in representing the legitimate drama, who would fail at Covent Garden or Drury Lane?—It depends on the powers of voice.

1132. But power of voice and lungs does not always constitute the most eminent actor?—No.

1133. Might not a person who does not possess that power of voice appear to great advantage on a minor stage; at the Haymarket, for instance?—I think at present there are not two companies sufficient to represent a play properly at Covent Garden and Drury Lane, as it ought to be represented; and if you divide them over the whole town, and place one or two at each minor theatre, you would not have the legitimate drama represented so as to be fit to be seen.

1134. Are all your representations at Drury Lane confined to what you conceive to be the legitimate drama?—No; we perform farce and spectacle and pantomime.

1135. What description of representation do you, as treasurer, find the most productive to your theatre, legitimate drama or spectacle?—Our authors have been very deficient in the legitimate drama for some time past.

Mr. William Dunn.

20 June 1832.

1136. Within the last few years have you found spectacles fill your theatre better than the legitimate drama?—Yes, novelty; the old drama certainly is not very attractive.

1137. How many persons can hear well in Drury Lane theatre?—I think almost all the audience, at least three-fourths of the audience.

1138. How many persons does the theatre hold?—I should imagine 3,000 people.

1139. How many does the Haymarket hold?—I am not aware.

1140. About how many?—Perhaps half that number.

1141. Because the legitimate drama has lost its attraction at Drury Lane or Covent Garden, (Shakspeare, for instance,) do you conceive it has lost its attraction at the minor theatres?—I do not think that it has lost its attraction, provided they could get authors to write a good legitimate drama, as in the case of the Hunchback.

1142. We are now speaking of stock-pieces, Shakspeare?—Yes, I think it would be equally unproductive at the Coburg.

1143. What objection have you to allowing the proprietors of the Coburg to play it, if they think proper?—Because they would not only take the old, but they would take the new productions authors might write.

1144. Then you object to their having the new productions more than to their having Shakspeare; you would give Shakspeare up?—Not exactly so.

1145. You would not mind Shakspeare so much as the new productions?—I think if they represented Shakspeare at the minor theatres under the present existing state of the number of actors in the town, it would be very destructive to the regular drama altogether.

1146. Do you think comedy could not be as well represented on a small stage as at Drury Lane or Covent Garden?—On a moderate-sized stage it might, certainly.

1147. Better?—I think not; I do not think Covent Garden stage or Drury Lane stage too large.

1148. You think not?—No.

1149. In the centre of the house at Drury Lane or Covent Garden, can the play of the countenance, which in comedy is a great point, be seen at all?—No; but on the other hand, a smaller theatre destroys the illusion.

1150. What illusion do you mean?—The illusion of the scene; if you sit in the stage-box, for instance.

1151. That is with regard to spectacle, or a piece in which pageantry is required; but is that so where no scenery is required?—The same objection does not apply certainly to a coat-and-waistcoat comedy, as we call it, but to a tragedy, because fine scenic effects are to be produced in a tragedy, which can only be produced on a large stage.

1152. That applies to tragedy; a coat-and-waistcoat comedy can be represented as well on a small stage?—Yes, on a moderate sized stage. On a small stage, you have sometimes a very tall actor, which is preposterous.

1153. Do you think legitimate comedy, when given on a small stage, is better given, and more correctly acted?—No, I think not.

1154. I understand you to say three-fourths of the audience hear at Drury Lane; then, by your own admission, you think it one-fourth too large?—That does not follow; I mean, to see and hear perfectly without inconvenience.

1155. Are you not aware one of the first things an actor learns in coming to the stage of Covent Garden or Drury Lane is the art of getting off at the wings, from its being too large?—It may be; it is part of his profession.

1156. Was an idea ever entertained of diminishing Drury Lane theatre?—It has been diminished, to what I conceive to be a reasonable size.

1157. When was that?—In the year 1816.

1158. Do you recollect what was the outlay on that occasion?—£. 22,600. The whole of the interior was pulled down.

1159. How much was it diminished; one-third, or how much?—I think it was brought forward about six feet.

1160. Then, before it was pulled down, it was found inconveniently large?—The proscenium; the construction of it altogether was complained of rather more than the size.

1161. The shape as much as the size?—Yes, the great pillars were taken away from the stage, the proscenium was altered. The formation of the theatre was also a little defective in the sight, in the way in which the range of boxes took place.

1162. What

1162. What do you think the best shape for hearing in a theatre?—I think Drury Lane is quite perfect in that respect. Mr. William Dunn.

1163. What is the shape?—The horse-shoe.

20 June 1832.

1164. You consider the horse-shoe shape the best for hearing?—Yes.

1165. You think, if all the plays produced were as good as the Hunchback, the theatres would flourish?—Certainly.

1166. Why did you refuse the Hunchback at Drury Lane?—That was a point of management or mismanagement I am not acquainted with.

1167. What species of representation has been most productive within the last year; which has brought the most money?—It is difficult to say; we had so little of anything that did bring money.

1168. Did the lions draw money?—The lions certainly paid their expenses.

1169. Did any other piece pay the expenses?—A legitimate drama, which was called the Rent-day, was, I think, the most profitable of anything that was played.

1170. The Brigand?—The Brigand is a favourite piece, but it was not new last year; it was played with the Rent-day. The Brigand is what we call an excellent stock-piece.

1171. What is the amount of the sum which now remains due upon Drury Lane theatre; what was the amount of the investment?—About 212,000 *l*.

1172. What portion of that sum remains unpaid?—About 10,000 *l*.

1173. And until that is paid no dividends are received upon that 212,000 *l*?—None.

1174. Then, according to the present rate, how long will it be before the remaining portion of the debt will be paid off?—About three years, supposing the present rent to go on. A great portion of the debt which now remains is a part of the compensation which was paid to the proprietors for the patent, 40,000 *l*., which the Sheridan family received for their portion of the patent.

1175. However, it is a debt upon the theatre which you cannot escape from?—Yes; Mr. Tom Sheridan died possessed of a bond of 10,000 *l*., which was the major part of Mrs. Sheridan's fortune, and enabled her to bring up her talented family as she has done.

1176. In three years' time you expect to pay the dividends?—Yes; provided the theatre is let at its present rental.

1177. How much per cent.?—I should think scarce two per cent. on the capital invested.

1178. You only begin to pay these dividends in three years' time?—That is about the time the 10,000 *l*. will be paid off. At the expiration of the lease the theatre may not be let, and the committee may be obliged to carry it on themselves.

1179. What has been the state of the theatre within the last two or three years; has it been a winning or losing concern?—It has not been a winning concern for the last three years.

1180. Was it before that time?—Before that time there was a season occasionally a winning concern, but generally speaking very unproductive to the lessees; the proprietors receive their rental, but the lessees are bankrupt.

1181. The lessee is a loser this year?—He is a considerable loser this year.

1182. Do you speak of the proprietors or the lessees?—The proprietors receive the rental from the lessee, and the lessee bears the brunt of the loss. The lessee will lose considerably above 10,000 *l*. this year.

1183. You mean to say as to the last agreement about this patent, that it was given you in consideration of the property amounting to more than 200,000 *l*. vested in that theatre?—Yes.

1184. And in consideration of the expenses to which you had been exposed?—Yes; the Act of Parliament particularly directed the balance should be paid of Killigrew's patent.

1185. That Drury Lane should possess it entirely to itself?—Yes.

1186. On account of the money invested in the theatre, you received the indulgence you claimed?—Yes.

1187. You said by the agreement with the Opera House, they were only allowed to play twice a week?—Yes, 60 nights was the number in the course of the season.

1188. Will you point out any part of the agreement which says anything about 60 nights?—It is in the agreement.

Mr. *William Dunn.*

20 June 1832.

1189. Has not the lessee of Drury Lane theatre, whoever he may be, prohibited his performers in playing at the minor theatres, under a penalty for so doing?—No, the articles all run so.

1190. Are they not, in the articles with the manager, prohibited from engaging in a minor theatre?—They cannot go to any theatre without special permission.

1191. Did not the manager of Drury Lane close the theatre 20 days before the usual time?—It was some time before the usual time; but the performers generally have permission to go to a minor theatre when they ask it.

Mr. *George Bolwell Davidge*, called in; and Examined.

Mr.  
G. B. *Davidge.*

1192. WHAT theatre are you proprietor of?—The Coburg theatre.

1193. How are you licensed?—By the 25 Geo. 2.

1194. By the magistrates?—Yes.

1195. What is the nature of your licence?—Music and dancing.

1196. What construction do you put upon music and dancing?—I generally apply the construction of the Act of Parliament itself, which says music, dancing, and other entertainments of the like kind.

1197. Do you conform to that Act by giving to the public nothing but music and dancing?—Certainly not.

1198. Then, what construction do you put upon “other entertainments?”—I conceive it is a very comprehensive question, which has never yet been decided, what the words “other entertainments of the like kind” might imply.

1199. Do you include Shakspeare’s plays?—I am aware there is an Act of Parliament which declares that should not be the case, but it has gone on from management to management to represent plays of that description, and I have fallen into the same course which other managers have adopted before, without pretending to the legality of it.

1200. You have given Shakspeare’s plays on your stage?—Yes, repeatedly.

1201. Do you find them attract as much as your musical and dancing entertainments?—Considerably more. I am induced to think that the style of entertainment given in the minor theatres some 20 or 25 years ago, and which was popular at that time, would not be tolerated by the play-going public now.

1202. What description of representations were those?—Pantomime, and excessively loose rhymes to the jingle of a piano-forte; frequently recitative, or the language spoken in rhyme; horrible doggrel or jingle, which the public now would scout.

1203. Do you not think that species of entertainment tended to deteriorate the public taste?—Decidedly so.

1204. What part of the town do your audiences come from?—I conceive from the west end of the town and the city of London.

1205. Are they persons in the habit of going to the large theatres?—Decidedly; the theatre has been patronised by most of the royal family, and noblemen and gentlemen attached to theatricals.

1206. Are you one of the persons who signed a petition to Parliament to repeal the different laws affecting the theatres?—Yes.

1207. What is it you complain of with respect to the law relating to theatres?—I complain that it is so obscure that nobody can understand it; I also complain of the law because it is badly administered, inasmuch as individuals for their own purposes have the power of selecting persons for persecution; and the law is not so generally applied as to prosecute other persons who are equally infringing it.

1208. Who are those persons who have selected others?—I was selected, I conceive, by the proprietors of Drury Lane theatre. A prosecution was brought against me by Mr. Dunn, the treasurer, for representing Douglas and Richard the Third.

1209. Who were the performers who represented those characters; who represented Richard the Third?—I am not aware; not at that time any performer of great eminence.

1210. What was the result of that prosecution?—I was convicted.

1211. In what penalty?—Two sums of 50 £., which I paid.

1212. Where were you convicted?—At the assizes of the county of Surrey: it was tried at Guildford.

1213. Have you ever repeated these representations since?—Frequently.

1214. Have you been prosecuted or informed against since?—I have received notice of prosecution, but I have continued to do so and shall until the subject is set

at rest ; for on the day I was prosecuted, and for years before and since, those performances were continued at the other minor theatres, the proprietors of Covent Garden and Drury Lane not interfering.

1215. What object had the proprietors of Covent Garden and Drury Lane in selecting you?—Because they knew I was able to pay the penalty.

1216. Because you were a man of substance?—I suppose so.

1217. Why have not they persevered in their informations?—They did in their informations against the West London theatre.

1218. But against yourself?—I am not aware why they have not gone against me individually, except that the evidence which came out on the trial was not so complimentary as they wished to their judgment or their feelings ; and I am rather induced to think they were not anxious to come before the public in the same way again.

1219. Did they not prosecute the Queen's theatre in Tottenham-street?—Not at that time, but afterwards.

1220. You think that prosecution excited the indignation of the public against them?—It did.

1221. Would not that do them harm in their theatres?—I should think not in a pecuniary light, but at least the public would judge for themselves whether it was an act of oppression or not.

1222. Did any of the performers at your theatre who acted Shakspeare belong to the great theatres?—Yes, a number of them ; Mr. Dowton, Mr. Kean, Mr. Booth, and very many other actors ; Mr. George Bennett.

1223. Was there a proper supply of performers there already to act those parts?—Certainly.

1224. You think there would be no difficulty in getting a sufficient number of people who are able and willing to act the legitimate drama?—Certainly not ; I conceive I could produce tragedy, comedy, opera or farce, quite as perfectly at the Coburg theatre as it could be done at Covent Garden or Drury Lane.

1225. Then you wish the monopoly to be thrown open?—Not entirely ; I conceive the patent theatres should in some measure be protected, and in fact theatres generally. I do not think it should go on in that sweeping way which it is imagined is intended. I conceive if plays produced at the patent theatres or minor theatres in London or out of London were the property of those persons producing them for at least 21 years, the effect would be entirely answered. I do conceive, after the plays have been performed 21 years in the major or minor theatres, if they become public property, the full end would be accomplished.

1226. Do you wish more theatres to exist than exist at present?—I am afraid there are already too many, because on the faith of licences and on the faith of protections large property has been risked on the minor theatres as well as the patent theatres ; but smaller theatres are daily springing up, without protection or licence. How far that may be conceived beneficial to the drama, I am not at liberty to give an opinion.

1227. How is an author remunerated at your theatre?—Much in the same way as at the patent theatres. Authors who have been successful in some instances at the patent theatres, are the authors at the minor theatres. The author of the *Rent-day*, which has been instanced as the most profitable production at Drury Lane, was the author of a number of pieces at the Coburg Theatre.

1228. Do you know what is the general mode of remuneration?—Sometimes a stipulated sum of money ; at times I have given 50 *l.*, and at other times 20 *l.*

1229. Has an author any rights?—Not besides.

1230. That is the case sometimes?—Occasionally ; at other times the author will receive half-a-guinea or a guinea a night for each night the play is performed.

1231. Is that the whole remuneration ; does he retain no right in the play after?—Certainly, the entire copyright.

1232. Then he has no right to any subsequent remuneration at the theatre?—Not any other remuneration beyond the run of the play, when he has received his stipulated sum.

1233. Abroad their rights extend to a very considerable length of time?—I am aware of that ; but it is not the case in England.

1234. Has an author a right to any remuneration from country theatres?—No ; when once the piece is published, it becomes, according to the present system, (out of London at least,) public property. All persons who can get a copy of the piece play it without advantage to the author or the person who has the copyright.



Mr.  
G. B. Davidge.  
20 June 1832.

1235. In France the author has a right to remuneration from any theatre in France?—From all theatres where the play is performed, and for eight or ten years after his death it goes to his heirs.

1236. Do you happen to know what the law is in Prussia?—I am not aware.

1237. The copyright is worth nothing to him in England?—He has the power of publishing.

1238. What number of spectators does your theatre hold?—Near 4,000. I have received money at the gallery door for 1,800; I have received money at the pit door for 1,130, and I have received money at the box door for 1,200 persons.

1239. On what occasion was it you received money for 1,200 persons at the box door; what was the representation?—I do not remember.

1240. Do you mean on one night?—I have stated the extent, the greatest amount I have received at different parts of the theatre at different times.

1241. What will the theatre hold?—Three hundred and sixty pounds.

1242. Then it will hold above 3,000 persons?—Yes, considerably.

1243. On those occasions did they pay full price?—Yes; on the occasion I am alluding to. On the night the Queen came to the Coburg theatre there was 317*l.* in the house.

1244. Then your house must be larger than Drury Lane?—The pit is considerably larger.

1245. Not the stage?—The stage is larger than Drury Lane.

1246. What is the largest sum you ever gave an author for a new piece?—I do not remember ever having given more than 50 guineas.

1247. Will you name any piece for which you gave that sum?—Yes; George the Third, a drama founded on some of the incidents of the life of George the Third.

1248. Any other?—Yes, the Horatii and Curiatii.

1249. George the Third was prohibited, was it not?—No; I think I played it nine or ten weeks, and the theatre was visited by the different branches of the Government, and they could not see anything obnoxious; but at the next licensing day the magistrates, who held discretionary power, told me they thought such representations injudicious, if not improper, representing sacred characters and the highest personages in the realm.

1250. You are now representing the old piece, Tom Thumb?—They are not sacred characters.

1251. The King and Queen are introduced into that?—King Arthur and Queen Dollalolla.

1252. You leave people to apply them as they please?—Yes; if we find them a piece, we are not compelled to find them comprehension.

1253. You think there is no danger of the magistrates giving you the same hint at the next licensing day as to Tom Thumb?—It is played as it has been played for the last 50 years, without the alteration of a single line.

1254. But the play-bill does not announce it in the usual way?—No, I do not defend that play-bill. It was issued during my absence from town, and I was much annoyed at it on my return, for I conceive managers of theatres have nothing to do with politics or party; they are open to all parties, and they have nothing to do with one party or the other. I must take the onus upon myself, but I do not for a moment defend it.

1255. Does it draw?—As much as Tom Thumb would generally draw.

1256. Not more?—Certainly not.

1257. Why should not you give it as Tom Thumb, without issuing that play-bill?—I think it was unnecessary, if not injudicious.

1258. Why was it continued?—It was stopped on my return to town; it was stopped in the course of a week. In fact, I received a polite communication from Mr. Roe, the magistrate of Bow-street.

1259. And that play-bill has not been issued since your return?—No.

1260. What do you give for the average run of new pieces, melo-dramas, and so forth?—About 20*l.* I should conceive.

1261. Should you have any objection to the Lord Chamberlain having the exclusive privilege of granting licences to all theatres in the neighbourhood of London for the performance of all sorts of things?—I conceive it would be as prejudicial and injurious to the minor theatres as it is already to the major theatres.



*Veneris, 22<sup>o</sup> die Junii, 1832.*

EDWARD LYTTON BULWER, ESQ. IN THE CHAIR.

Mr. *George Bolwell Davidge*, called in ; and further Examined.

1262. THE last question put to you was this, "Should you have any objection to the Lord Chamberlain licensing theatres in the neighbourhood of Westminster as well as those within Westminster ;" and your answer was, "I conceive it would be as prejudicial and injurious to the minor theatres, as it is already to the major theatres." In what way do you conceive it would be injurious to the major theatres ?—I conceive that in many instances the delay that must naturally arise from a play being returned from the Lord Chamberlain would altogether mar the effect of local dramas and complimentary dramas, such as the "Naval Pillar," the "Mouth of the Nile," &c., those patriotic effusions have a very powerful effect on the public.

1263. Why should the Lord Chamberlain wish not to licence those pieces ?—I am not alluding to not licensing, but the delay at the Lord Chamberlain's office, which would naturally take place if he had more business to do than he has already. The Act says, "No play shall be performed which has not been sent to the Lord Chamberlain at least 14 days before." Now in very many instances the entire spirit of the piece would evaporate in 14 days, and I conceive that such a delay would be extremely injurious to the minor theatres, as I imagine it has been already to the patent theatres.

1264. The patent theatres have never been obliged to wait 14 days for their licence ?—They are obliged by law, for they are not to represent a play which has not lain 14 days in the Lord Chamberlain's office for approval.

1265. They are obliged to place their new plays before the Lord Chamberlain 14 days before representation, but it does not say they may not act them before those 14 days are expired if they receive the licence from the Lord Chamberlain ?—If they receive the licence before ; but I have known instances where plays have been delayed,—in the time of the late licencer, Mr. Larpent,—and not produced on the day announced, because the licence had not been returned.

1266. Beyond the 14 days ?—Yes.

1267. What will your theatre hold ?—I stated at the last day, I thought it would hold between 3,000 and 4,000 persons ; I have since extracted the number exactly. On Friday, 1st August 1828, 1,230 persons paid into the boxes of the Coburg theatre ; on Monday, the 17th December 1824, 1,090 persons paid into the pit ; on Monday, 27th December 1830, 1,512 persons paid into the gallery.

1268. Is that the most that your theatre will hold ?—I have no recollection of its ever being beyond that.

1269. That is about 3,800 persons ?—Yes.

1270. What class of persons are those which frequent your theatre ?—Of course, like the frequenters of all theatres, they are various. On Monday nights I conceive we have the working classes generally, and in the middle of the week we have the better classes, the play-going public generally.

1271. Do the nobility ever attend your theatre ?—Yes.

1272. Do they take private boxes ?—Yes, and public boxes also.

1273. Have you had many instances of their frequenting your theatre ?—Yes, many.

1274. Do you recollect any who have taken boxes ?—At the present moment I can scarcely say I remember names.

1275. Has the Lord Chamberlain ever been there ?—Mr. Mash very frequently, and the Lord Chamberlain has commanded a performance in the theatre lately.

1276. For a benefit ?—For the benefit of Miss Smithson.

1277. Did the Lord Chamberlain attend himself on that occasion ?—I am not aware that he attended on that occasion. He has been in the theatre very frequently.

1278. What number of persons do you employ in your theatre, or are dependent on your theatre ?—I should suppose there are indirectly and directly dependent at least 500.

1279. Do you know what the census of your parish is ?—No ; I regret to say

Mr.  
*G. B. Davidge.*

22 June 1832

Mr.  
G. B. Davidge.  
22 June 1832.

I have not got it with me, but I believe the increase in Lambeth parish since 1801 is considerably over 80,000.

1280. Your licence is merely for music and dancing?—Yes, “and other entertainments of the like kind.”

1281. If you were to confine your entertainments to music and dancing, do you suppose the public would be satisfied?—Certainly not.

1282. I have seen the play bill of “Tom Thumb” you issued a short time ago, and the printer’s name is Davidge; is that yourself?—Yes, the bills are printed in the theatre.

1283. You have a press of your own?—Yes.

1284. What occurred on the occasion of your withdrawing that play-bill?—I received a note from Mr. Roe, the sitting magistrate of Bow-street, saying he wished to see me. I called upon him, and he then stated that it had given offence; I said I felt extreme regret, but it had been already suppressed.

1285. It had been suppressed before you received the magistrate’s intimation to suppress it?—Certainly. He then requested me to state why I did not endeavour to gather the bills in. I stated to him that I thought it would excite attention more generally than suffering them to remain where they were, because if the servants of the theatre had gone to shops to collect those bills, some persons would instantly be anxious to keep them, conceiving there was some offensive matter in them. I therefore stated that was my reason, but that I took the earliest opportunity of covering the boards and withdrawing the piece. The piece was not performed on the nights it was announced.

1286. Supposing the present restrictions were taken off the minor theatres with regard to the performances, and more theatres built, do you suppose more men of substance would enter into theatrical speculations than do at present?—No, I think not.

1287. Because it is represented to us that they are men generally of desperate fortunes who embark in theatrical speculations at present?—I think that is too frequently the case. I think if theatres were of greater consequence than even many of them are at the present moment, that men of substance may be induced to embark in them, and that persons who are now frequently mere adventurers setting up new theatres would be deprived of those opportunities. In the first place, I conceive the system of opening theatres where you please, and when you please, injurious to the persons who embark large fortunes in both major theatres and minor theatres.

1288. The system you mean upon which they are now founded?—Yes.

1289. But giving them the legitimate drama, how would that benefit their position or improve their situation?—Is that applied to the theatres which are licensed?

1290. The minor theatres?—Giving them the legitimate drama is a matter more cavilled at than is warranted by any real advantage that might be derived from it. I conceive it is highly necessary that a better style of entertainment should be given by the minor theatres than what they were in the habit of giving the public 20 or 30 years ago; but if the privilege was extended, I conceive the legitimate drama would only be occasionally performed when Covent Garden or Drury Lane were closed, and they could obtain the talent of those actors who were employed at those theatres during the season.

1291. Do you think authors would be anxious, and you would find plenty of authors ready to write for your theatre, if the legitimate drama, which would be their compositions, were permitted to be performed?—Yes; I think there would be a great field for men of talent and genius, if the market were thrown open. Authors would not seek altogether for remuneration, but opportunity for their labours to be fairly exhibited to the public, and afterwards they would seek for that remuneration which at first they would not expect.

1292. With reference to what you said about complimentary pieces, are you not aware that the Lord Chamberlain always gives a licence to complimentary pieces without any delay?—I am not aware of that.

1293. Have you ever been connected with a theatre under the control of the Lord Chamberlain?—I have been.

1294. What theatre?—Both the Haymarket and the Adelphi.

1295. On the occasion of having complimentary pieces there, have you any recollection of any delay being interposed?—I have no recollection of any complimentary pieces being produced at the Haymarket or the Adelphi; but I remember, when

when I was at the Adelphi, about twenty years ago, a play being postponed in consequence of Mr. Larpent not having sent the licence.

1296. You are not aware of the consequences, I suppose?—I am not.

1297. Under what control do you propose the minor theatres should be?—Under the magistrates, as at present.

1298. Do you conceive it would be advisable or just to leave any peculiar privileges to the patent theatres, and if so, what are they?—I am induced to suggest this : that no person shall represent in London or Westminster, or in any city, town, borough, &c., any tragedy, comedy, opera, farce, or other entertainment, which has been represented at any theatre within London or Westminster, either a major or minor, for hire, gain or reward, without permission of the author or manager, or other person possessing the copyright of such piece, within the term of 21 years; and after that all pieces shall be considered public property; and all pieces produced within that time from the date of the supposed passing of the Bill shall be the property of the person possessing the copyright; but all dramas which have been produced more than 21 years from the day of the passing of the Bill shall be considered public property, and may be lawfully performed at any theatre in or out of London or Westminster.

1299. That is not an answer to the question.—You asked me how the patent theatres should be protected.

1300. Whether you would leave them any peculiar privileges?—That is a privilege they would possess.

1301. But they would possess that in common with all the theatres?—Yes, no peculiar privileges.

1302. No exclusive privilege?—No.

1303. Then you would put all the theatres on the same footing?—Yes, I conceive that would be of the greatest benefit to the public, and to the art generally.

1304. As to the character of the representations they are to give, and the jurisdiction they are to be under?—Yes.

1305. Suppose another theatre were to be built within a quarter of a mile of your's, would not you consider that a hardship?—I conceive it would be a hardship; but the public would be better enabled to judge between the performances at the one theatre and the other, and that which produced the best performer and the best performances would be the one most likely to flourish.

1306. You would be prepared to enter into competition with it?—I should.

1307. Are you not of opinion that it is absolutely necessary there should be a licenser of all plays performed?—No, I do not consider that would be necessary. Let the magistrates grant licences as they grant them now, and let all persons that do not possess patents or royal grants appear personally before such magistrates annually, as a guarantee for keeping them within the bounds of propriety and morality; and for the wholesome conduct of such places, let the magistrates have the power of granting or refusing licences as they think fit.

1308. Then during the existence of the magistrates' licence you would have no control whatever on the character of the pieces performed at your theatre?—Yes; I conceive the Secretary of State has always the power, through the magistrate of the district where the theatre may be, of prohibiting any representation.

1309. Has he that power now?—Yes.

1310. That could only take place after the performance, when the mischief had been done?—Yes; instances have been known where performances have been prohibited, and the pieces have not been produced.

1311. How can any person be aware of the character of the piece until it has been subjected to the examiner, or has been represented?—Because the title might be offensive. I will give an instance: I remember a dreadful circumstance occurring seven or eight years ago, the murder by Thurtell; and a very indelicate piece was produced or announced at a theatre on the Surrey side of the bridge, and also at the Coburg theatre a French play was announced, the title of which bore some resemblance to the title of the piece about to be produced at another theatre; and we received an intimation that such performances would be considered indelicate, if not highly improper, and both the pieces were stopped, and not produced on the night.

1312. That would not prevent the introduction of any seditious matter into the body of the piece, for it might have a proper title and yet might be unfit for representation?—Decidedly so; but I conceive men of character and men of substance would not be induced to risk the prosperity of their theatre by producing pieces

Mr.  
G. B. Davidge.  
22 June 1832.

that were offensive. Again, I doubt whether the public in these enlightened times would tolerate anything offensive.

1313. You are not speaking with reference to political allusions, for the public would tolerate them, and like them, yet at the same time it would be very improper they should be brought forward on the stage?—I think the public are so capable of judging what is right and what is wrong, that they would not tolerate anything offensive.

1314. Then you would have the only guarantee or security, the good taste of the public?—Certainly.

1315. Have you ever calculated what proportion of the total receipts of your theatre are derived from the gallery, pit and boxes?—I never made such a calculation, but I conceive the statement I gave before will answer that question.

1316. That is merely numerical; I want the total receipts?—Those are nights that I have taken that amount in positive payments.

1317. Will you give the sums?—On Friday, August 1, 1828, twelve hundred and thirty paid into the boxes.

1318. What did they pay at that time?—They paid at that time, which was the time of the reduction, one shilling each.

1319. What is the usual price?—Four shillings.

1320. Supposing 10,000 *l.* is the total receipt of your theatre in the season, what proportion of that 10,000 *l.* should you expect would be derived from gallery, pit and boxes?—It would be quite impossible to ascertain, because one style of performance would be attractive to the boxes, and that might continue possibly for a month; and another description of performance would be attractive to the gallery.

1321. Could not you strike an average; what I wish to ascertain is this, what part of the house your profits most depend upon?—I conceive the pit.

1322. What is the admission into the pit?—Eighteen-pence now.

1323. Then the class of performances which upon the whole you would be most inclined to produce at your theatre is such as would be most attractive to the pit?—I conceive that the class of performances which has been produced at the Coburg theatre has given general satisfaction to the boxes as well, but I conceive the pit has paid better than either the boxes or gallery.

1324. Then of course it would be the interest of the theatre to attract the pit?—Yes, certainly.

1325. You say the Coburg theatre holds about 3,800 persons; do you happen to know its dimensions?—The theatre is constructed so peculiarly that it would appear a very small theatre. The space, for instance, from the stage to the centre of the boxes is not further than from the stage to the centre of the boxes at the Adelphi theatre.

1326. Is it the horse-shoe shape?—Yes, a wide horse-shoe; the stage itself is particularly deep, but the audience part is so constructed as to hold an immense number of persons without appearing so large as it really is.

1327. Do you happen to know the width of the stage?—The stage, from door to door, the part next to the audience, is about 34 feet 6 inches.

1328. What is the depth of it?—About 92 feet.

1329. Are you aware of the width of Covent Garden and Drury Lane?—I should conceive about that. I should think Drury Lane not so deep as that.

1330. Is your stage as wide as Drury Lane?—I conceive it is.

1331. Is it deeper or not so deep?—I conceive quite as deep, if not deeper.

1332. Is Covent Garden the same?—I am not aware of Covent Garden.

1333. You consider your stage, therefore, as good as the stage of Drury Lane, only with greater advantages for the audience?—Yes, the audience part being much less and the stage quite as large.

1334. And that you hold more people?—It is from the peculiar construction of the theatre; instead of being long, it is wide, and the audience are very near to the stage, instead of being thrown to the distance they are in the large theatres; it is not so lofty either.

1335. Then it is rather a crescent than a horse-shoe?—It is rather a crescent, certainly.

1336. The piece you spoke of upon the subject of the murder, was it licensed?—No.

1337. Do you conceive, if the theatre was full, that almost all the persons can hear well?—I do.

1338. And see well?—Yes.

Mr.  
G. B. Davidge.

22 June 1832.

1339. The play of the countenance of the actor?—Certainly.
1340. In all parts of the theatre?—Yes.
1341. Are there any private boxes?—Between 30 and 40.
1342. Are there stalls?—No stalls; I have had stalls.
1343. Did not you find them answer?—I found them scarcely necessary from the number of private boxes in the theatre.
1344. I think I understood you to say, you would not care, so that the monopoly was thrown entirely open, how many theatres might rise round about you?—No, I did not mean to imply that generally.
1345. I thought you meant that competition would regulate itself, and the good theatres triumph and the bad theatres fail, and therefore it would not be formidable?—Yes, to a certain extent; but I do not think the greater number of theatres there are the more beneficial to those possessing them; I only mean a moderate number of theatres without further competition.
1346. Then you would not like the monopoly to be entirely thrown open?—That is a matter I have not considered beyond my previous statement.
1347. Would you have the law restrict the number of theatres?—I think it would not be just, because the population might increase, and it would be necessary to increase the number of theatres, but I think that should be regulated by the increase of population.
1348. Do you think there are as many theatres now as are necessary?—More; they are injudiciously situated; I think there are parts of the town where theatres might be opened.
1349. What parts of the town?—In George-street, Westminster, I think such a theatre as Madame Vestris's would be very profitable to any person who might open it.
1350. Would not that subtract from the audiences of the Surrey theatres, or the theatres in Westminster?—I think not; because the persons who go to the theatres as they are situated now would probably not cross the bridge.
1351. Then you would not wish the thing to be wholly unrestricted?—Certainly not.
1352. Do you consider the present law, especially as regards the Lord Chamberlain, to be administered partially or impartially?—I conceive it is partial.
1353. Will you state any instance?—I conceive the refusing to license Miss Mitford's last play of Charles the First was partial.
1354. Partial to whom?—I conceive, if it had been an author generally known to the town, they would not have dared to refuse the licence.
1355. You mean the judgment was not with reference to the piece but to the author?—Certainly, I imply both as to the author and to the subject.
1356. Do you know of any other instance with respect to the licensing of plays except Charles the First?—The "Alasco" of Shee.
1357. What object could the Lord Chamberlain have in refusing to license Miss Mitford's play?—It is impossible I can define the object.
1358. You say the author was the cause of it?—I think if Miss Mitford had been better known to the public than she is, with all her excellence, the deputy licencer would scarcely have dared to refuse to license the play.
1359. You consider, then, it operates in some degree of partiality with regard to the licensing of plays; do you consider there is any degree of partiality in the prosecution of theatres?—Certainly. I have stated, at the time all the minor theatres in London were performing the regular drama, I was selected for prosecution.
1360. There is a distinction between the increase of population and the increase of theatrical population; and it has been urged, that although the population has increased, the theatrical population has not increased, but decreased, and various causes have been assigned for that; what in your judgment are the causes of that decrease?—I conceive dramatic entertainments are not so essential an amusement as they were 30 or 40 years ago. I conceive they are not so fashionable as 40 years ago; they were patronized by the King, who was in the habit of visiting the theatres at least once in a week, and it became necessary, or at least fashionable, that the Court should be followed to the theatres. As the King ceased to visit them, so they generally decreased in their popularity. I conceive that the lateness of dinner hours is another very great injury to the theatres.
1361. Do you consider that the decrease of the theatrical population arises in any degree from the monopoly of the great theatres?—No, I do not.



Mr.  
G. B. Davidge.

22 June 1832.

1362. Do you mean by the word "fashion," that sort of opinion which proceeds from the better educated classes?—Yes.

1363. Do you not suppose that a fashion for going to the theatres might be produced by better pleasing the well-educated and higher classes of society?—Certainly I do. Still I am not induced to believe the managers of the patent theatres are entirely to blame for the present degraded state of the drama. I conceive, if the managers of the patent theatres could have obtained full houses by such performances as John Bull, and what we call generally coat-and-waistcoat comedies, they never would have had recourse to spectacle; but I conceive they were compelled, by the falling off in the public in going to these entertainments, to give them some of a different description.

1364. There is no doubt at the minor theatres now there are occasionally representations which, if they do not offend one's taste, offend one's judgment; do you not suppose that might be remedied, if the legitimate drama were entirely free and unrestrained, and if the proprietors of the minor theatres were subject to no prosecution: if they felt their capital was free and they might embark it safely, do you not suppose, if there was bad taste in one theatre, it would be corrected by another, and the public would obtain that better representation which competition produces?—Certainly. I am induced to think it would be impossible to draw a reflecting audience to witness the loose performances that were given in the theatres some 20 or 30 years ago.

1365. Then you consider, if the monopoly were broken up, and the theatres were thrown open, so far from being inundated with bad performances, it is more likely the performances now exhibited at the minor theatres would be improved?—Most decidedly.

1366. You had some little hesitation about how far the monopoly should be thrown open; do you consider it would be quite safe to leave it to the inhabitants of the parish: if the majority of the inhabitants of the parish were to sign a requisition, and to send that to the magistrates, and it were compulsory on the magistrates, upon such a requisition, to grant a licence, do you think the power of licensing would be fairly exercised, if it was at the discretion of the magistrates to shut up the theatre if the performances were bad?—I conceive the magistrates should possess a discretionary power of licensing.

1367. You think they should in all cases possess a discretionary power?—Yes.

1368. And that it should not be left to the majority of the inhabitants?—Certainly not.

1369. You say you have acted the legitimate drama occasionally?—Yes.

1370. Do you think upon the whole it is as popular as the illegitimate drama?—Quite, or more so.

1371. Do you find the pit is as well filled on those nights?—Quite as well, if not better.

1372. With respect to the patent theatres, you conceive they have some right to indemnification?—Yes.

1373. Do you know of any plan by which that indemnification might be drawn from the minor theatres, if they were to possess more privileges than at present?—I never turned my attention to that.

1374. Have you seen a plan that was accidentally thrown out, taxing the small theatres when they performed the legitimate drama, and appropriating the proceeds of that tax to the great theatres; what do you think of that?—I consider that would be neither a benefit to the large theatres nor to the small.

1375. In short, there is no plan by which indemnification could come to the large theatres from the small?—I conceive not.

1376. On those nights when you performed the legitimate drama at your theatre did you have what you call "stars"?—Very frequently.

1377. Usually?—No, not usually.

1378. Did you ever perform it without?—Frequently without.

1379. But generally with?—Frequently with.

1380. Do you suppose in a theatre of moderate size, a play like Julius Cæsar or Coriolanus, could be properly performed without losing its effect upon the audience?—I consider it might be better performed. I conceive that acting does not consist in all you can hear, but a very great effect may be produced by seeing the working of the countenance. One of the greatest actors of the day, it is necessary you should be near to discover all his excellence, Mr. Kean. I conceive that if Mr. Kean were playing



playing Brutus, in Julius Cæsar, a great portion of that excellence would be lost to the public by their not having the advantage of seeing the countenance of the great actor.

1381. In granting a licence, if the magistrates exercise a discretion in granting a licence to a minor theatre, would you propose that the proprietors should enter into any pecuniary security for the preservation of order, and the absence of any political allusions in the performance?—I should not consider that necessary, as the proprietor of the theatre would take all precaution, knowing the licence of the theatre depended upon his conduct.

1382. Although you might safely entrust the audience with the care of preserving the theatre from licentiousness, would you entrust it to the audience to preserve the performances from political allusions, as political allusions appear to be much more popular to the frequenters of the theatres than any licentiousness?—I am induced to think it would never be to the benefit of any theatre to meddle with political matters generally, because what you might derive from the representation of plays which might give pleasure to one party, you would lose by giving offence to the other.

1383. When you spoke of the size of the theatre with reference to the play of Julius Cæsar, did you mean the part in which the audience sit, not the stage?—Certainly not.

1384. You conceive a stage equal to your own in size would be necessary for the proper representation of such a play as Julius Cæsar?—Certainly.

1385. I understand you to say your theatre holds as many people as Drury Lane?—Certainly.

1386. And the stage is as large?—Yes.

1387. How do you account for the falling off in the taste of the public; you said that theatres were not so much in fault for the degradation of the drama; but how do you account for the falling off in the taste of the public with regard to coat-and-waistcoat performances?—I conceive the cause to be, that the drama has ceased to be a fashionable or essential amusement; I stated, at the time the drama was patronized by George the Third, it was fashionable.

1388. You gave as a reason the change in the fashion of the Court, but besides that, you said there was a falling off in the taste of the public, which could not be ascribed entirely to managers of theatres?—It is impossible to account directly for the falling off, except the two reasons I have assigned; first the distaste on the part of the Court, and next the late hours of dining, which have increased within the last 40 years. Some years ago it would be three o'clock, and now it is seven or eight.

1389. Would it be to the interest of any theatre to follow the hours of the fashionable world?—It would be quite impossible, because you would have to commence your performances at 10 o'clock at night, and finish them at four in the morning.

1390. That would destroy the pit?—Certainly; it would open so wide a path for immoral scenes of all descriptions that it would be injurious to the true ends of the drama.

1391. Why should immorality follow?—Because it would be frequented by every loose character who would come to the theatre at one or two o'clock in the morning for any bad purpose that might be practised in a theatre.

1392. Is not that so at whatever hour half-price commences?—I would not answer for the description of persons who would frequent the theatres if the half-price commenced at two o'clock in the morning; it might happen that gentlemen breaking up from convivial parties might fall in, and they would not be the best behaved people in the world.

1393. You say it would not be to the interest of the managers to produce political pieces; how do you account for your colleague printing that play-bill; I suppose he conceived it would be attractive?—Certainly.

1394. Then all the managers might not be of the same opinion as yourself?—No.

1395. But you give it as your opinion that it is desirable there should be no licenser?—No; I am of opinion the evil would work its own cure. I conceive, if a manager interfered with politics, by appearing before the magistrates at the expiration of the time, if that interference was deemed injudicious, he would receive such a lecture that he would not be induced to meddle with political subjects again.

Mr.  
G. B. Davidge.  
22 June 1832.

1396. In the meantime might not great mischief be produced to the public?—I have stated the Secretary of State has the power to interfere whether it is within the precincts of the Court or otherwise.

1397. But he cannot foresee what the performance will be by the title of the piece?—I conceive anything that would run strongly upon politics might be traced in the play-bill.

1398. Might not you give it what name you please, as the name is not necessarily an index to the subject?—I conceive the press would correct that.

1399. If there is any conflict of opinion between two parties in the house, it might be detrimental to the theatre itself?—Yes; but the press happening to be on both sides, part on one and part on the other, it would very soon transpire to the Government that such representations were taking place, and the true spirit of the drama would be traced immediately.

1400. If O. P. rows were to occur, it would be very detrimental to the theatre?—Certainly.

1401. Covent Garden theatre lost very much during those rows?—Very considerably.

1402. You mention that the magistrates prohibited the performance of that play on the Thurtell murder?—They did.

1403. On what authority did they act in doing so; how far do you think their power extends with respect to prohibiting the performance of any play at the minor theatres?—I have no doubt the Secretary of State has the power of prohibiting any performance by sending to the sitting magistrate of the district, who would exercise that authority by force if necessary.

1404. You think that power should be retained?—Certainly.

1405. That amounts to a licensing almost?—No; I conceive it would be only necessary in cases where the matter was offensive, and not to subject every piece to the opinion of an individual; for there are scarcely two people to be found in the world who think exactly alike; and sometimes the licencer might think one way, and the public might think very differently.

Mr. Edmund Kean, called in; and Examined.

Mr. E. Kean.

1406. ARE you proprietor of any theatre?—Of the Richmond theatre.

1407. By whom are you licensed?—By the Lord Chamberlain; I am merely the renter of that theatre.

1408. You have an annual licence?—An annual licence.

1409. For what species of representations are you licensed?—For the drama solely.

1410. The legitimate drama?—The legitimate drama.

1411. You are of course aware of the state of the law with respect to the drama at present; do you conceive what is called the monopoly, or the exclusive right of the patent theatres, is prejudicial to performers, especially to the rising performers of the day?—If you speak of the multitude of performers, I do think it is prejudicial to their interests; but I think all the talent is combined within the two theatres royal.

1412. If the two great theatres only require a certain portion of talent; for instance, if you are engaged at Drury Lane, they would not want two Mr. Keans; and suppose another Mr. Kean should be rising, or what the public would consider a person of nearly equal talents to yourself, do you not conceive it would be rather hard upon that person not to be able to find some field on which he could develop his talents?—Certainly; but there is Covent Garden in opposition to the other.

1413. But that confines the theatrical field to two great performers; suppose there should be five or six persons claiming to be equal in talent to yourself, what would become of the other three?—They must take their chance.

1414. But where have they the opportunity of representing the legitimate drama?—The opportunities are now too numerous. You cannot find talent to fill all the theatres that are open.

1415. But no theatres are allowed to play the legitimate drama except those two?—They go so near it there is scarcely any distinction.

1416. Except at Drury Lane, Covent Garden and the Haymarket, where in the metropolis is Richard the Third acted?—I have acted it at the theatre of the last witness, and all Shakspeare's other plays.

1417. Did you consider yourself liable to an action at law for that?—I never paid any consideration to the subject.

1418. Then

1418. Then you are not aware of the state of the law?—No.

1419. Should not you consider it a great hardship on you to be liable to a penalty of 50*l.*, as you are now, for every representation you have given of Richard the Third at the Coburg theatre?—I should certainly think it a hardship.

1420. Are you then in favour of the legitimate drama being played at the minor theatres?—I cannot exactly say that; the two great theatres are almost in a state of bankruptcy.

1421. But if you with your talent were engaged for a certain number of years; suppose you had been engaged for the last 10 years at Drury Lane, do you think you could have saved the theatre from its impending ruin?—I should be very vain to say that by my individual talent.

1422. But you say it would be a hardship on the great theatres your continuing to play at the minor theatres?—I do.

1423. You think you were infringing their rights when you played at the Coburg theatre?—Certainly.

1424. Which do you prefer, a large stage, the stage of Covent Garden or Drury Lane, or the stage of the Coburg theatre?—Certainly, a large stage.

1425. You prefer Drury Lane?—Yes.

1426. Have you not found that you act quite as effectively at the Haymarket as when you acted at Drury Lane?—I do not consider it so myself; I think the intellect becomes confined by the size of the theatre.

1427. Do you consider that to be confined to particular parts, such as King Lear, or would it apply equally to all other parts; Hamlet for instance?—I am an advocate for a large theatre; I think the illusion is better preserved at a large than a small theatre.

1428. Are you as well heard at Drury Lane as the Haymarket?—Yes; any actor with a good enunciation would be heard as well at Drury Lane as any theatre in the kingdom.

1429. Do you consider that the persons who sit in the centre of the house at Drury Lane can see the play of your countenance, in any of Shakspeare's characters, as well as at the Haymarket?—Yes, quite as well, in the back seats of the galleries.

1430. Do you really think one-third of the audience at Covent Garden or Drury Lane would not be of a different opinion?—I cannot answer that.

1431. Did you ever try the experiment yourself?—I did.

1432. And it has been satisfactory to you?—Perfectly satisfactory.

1433. Mr. Kemble stated the other day he considered two-thirds of the audience at Covent Garden could see and hear as well as at the Haymarket, so that he admitted one third of the audience could not see and hear so well as at the Haymarket; is that your opinion?—I cannot answer that. I think, with respect to my acting at Drury Lane, I was never better heard or seen.

1434. Have you ever been in the one shilling gallery at Drury Lane?—Yes, in every part of it.

1435. Have you seen the persons performing on the stage?—Yes, and heard every word when the gallery was silent.

1436. Is your vision so perfect as to enable you to see their countenance at that distance?—Yes, I have a tolerably good eye.

1437. Do the persons of the performers appear so large to you in the one shilling gallery as in the boxes?—Probably not so large, but you hear them as distinctly.

1438. Do you not think that that destroys the effect, the illusion, by the person appearing so diminutive?—No, I do not; I think it preserves it.

1439. Do you think an eye of the average power would distinguish the play of the countenance as well at that distance?—I do perfectly.

1440. Are there not some very good performers who appear to greater advantage on a small stage?—Not in my estimation; the larger the stage the better the actor, and the less observable are his faults, which is a material consideration.

1441. To what greater extent might these large theatres be carried, in your opinion?—As large as St. Carlos, at Naples.

1442. Are you further removed from the stage there than you are here in the one shilling gallery?—Yes; there is no one shilling gallery, but you are at a great distance.

1443. Although you state you do not act so effectively at the Haymarket as you do at Drury Lane, did you ever hear the public complain that you did not act there

Mr. E. Kean.

22 June 1832.

so well?—I never heard the public complain at either Drury Lane or Covent Garden when I had the honour of being before them there.

1444. Have you ever heard them complain that you did not act as well and as effectively at the Haymarket as you did at Drury Lane or Covent Garden?—No, I do not hear the public complain of that; I do not feel so efficient myself as at Drury Lane or Covent Garden.

1445. You say you imagine the great theatres are in a very unprosperous state, almost in a state of bankruptcy; is not that a clear proof that the system which is kept up has not acted well, and therefore it is rather odd they should complain of the system being altered; notwithstanding all these advantages, they have arrived almost at a state of bankruptcy?—My idea of that is, that the number of minor theatres has materially injured the interests of the great ones.

1446. But at the same time, do you imagine the minor theatres should be pulled down?—That I have never contemplated.

1447. You do not think you could repair that injury to the interests of the patent theatres by putting down the minor theatres?—No: but for the benefit of the profession, I should be sorry to see more theatres than there are at present in London.

1448. Although you might not like to see more theatres than there are at present in London, should you like to see those theatres become legitimate, and performing with the sanction of the law, instead of against the law: do you think there would be any harm in allowing them to act under the sanction of the law?—They have a species of entertainment which answers their purpose, and I do not see why they should be allowed to injure the theatres royal.

1449. Do you think if those minor theatres were closed the patent theatres would be more numerously attended?—Yes, I do. I think the drama would be more followed than at present.

1450. Do you think Covent Garden or Drury Lane would be more filled than at present?—Yes, I do.

1451. Do you not think a change of hours and religious feelings have interfered with the attendance at these theatres more than the minor theatres?—I think that is irrelevant to this subject; I cannot enter into the feelings of the public.

1452. But we want to account for the particular way in which Covent Garden and Drury Lane are dealt with as they are?—We are not generally a dramatic nation, and it is more on the decline than ever.

1453. Why do you consider it is so?—From the late hours and private assemblies.

1454. Do you consider the state of bankruptcy in which you imagine the great theatres to be in, to result not from their exclusive privileges, but from those privileges having been violated?—I have never considered that subject.

1455. The present state of their patents does not preserve them from being ruined, and does not preserve them from the competition of the minor theatres?—No.

1456. Then is it your opinion that a still closer monopoly would contribute more to the purity of the drama?—Certainly.

1457. Do you think a closer monopoly could be introduced; do you think the public would be willing to suffer a closer monopoly of the great theatres?—Yes, I do; at least the play-going part of the community.

1458. Then they would not go to the minor theatres now?—They go to the minor theatres because there is an entertainment suited to them.

1459. The minor theatres are now against the law; they could not do more than go to a theatre against the law?—I understand your question to be, whether the minor theatres would injure the large theatres by acting the legitimate drama.

1460. The question was, whether the public would countenance a closer monopoly than at present exists: you say a closer monopoly would preserve the drama; do you think the public would be willing to countenance a closer monopoly?—I think the public would.

1461. And a closer monopoly you think would not be a great hardship upon performers?—Yes; it would keep several respectable performers from situations; they must go in their different grades.

1462. That you think would be a hardship?—Yes; but there are plenty of provincial theatres where there are a great many good actors.

1463. Then a closer monopoly would place actors at the mercy of the managers of the great theatres?—No; they must take care to cull the best talent from the provinces.

1464. Do

Mr. E. Kean.

22 June 1832.

1464. Do you think they do cull the best talent at present?—Certainly I do.

1465. Do you recollect Mrs. Yates performing at Covent Garden?—The present Mrs. Yates, I do.

1466. Have you ever been to see her act this year at the Adelphi?—Not this year; the last I have.

1467. Do you think she appeared to the same advantage at Covent Garden as she does at the Adelphi?—No, she is an exception to the rule.

1468. Then Mrs. Yates not succeeding at Covent Garden, do not you think it would be a great hardship to her not to be able to find a minor theatre in which she could succeed?—Yes, certainly; but that theatre is found; she is in possession of it.

1469. It would be a great disappointment to the public?—Certainly.

1470. Is not the inference from that, that there ought to be some minor theatres to provide protection for some performers?—They have sufficient, I think.

1471. If you want a closer monopoly, you want them restricted?—No, you misunderstood me.

1472. You think there are too many?—There are enough for the public to support.

1473. Do you not think a small theatre is a much better school for an actor, with good natural talents, than a large one; do you not think the minor theatres are good schools for actors?—Yes; but in London we should see the perfection of the art, not the school itself.

1474. Which have you found, during your experience of the stage, were able to give you the largest salaries, the major or minor theatres?—Drury Lane and Covent Garden.

1475. They have given you larger nightly salaries than the minor theatres?—My terms are the same wherever I go; the minor theatres could not afford it; I never played but in one.

1476. The Haymarket, for instance; you do not call that a minor theatre?—No, certainly not.

1477. Did you ever play at the Garrick theatre?—No, never.

1478. Only at the Coburg?—Yes, and the City theatre.

1479. That is a minor theatre?—Yes.

1480. And they could give you the same terms as at Covent Garden or Drury Lane?—They did.

1481. I thought you said they could not afford to give you the same terms?—Not regularly, probably; that was merely for a limited number of nights.

1482. I dare say you did not find the houses empty on those nights?—No.

1483. As full perhaps as they could reasonably hold?—Yes.

1484. Would it not have been an injustice to the public if those houses had been shut up, and all the persons who thronged to them on the nights you performed there had been deprived of the pleasure of seeing you?—Yes, I think it would.

Mr. William Downton, called in; and Examined.

1485. AT what theatre are you performing now?—I am not playing at any theatre at present. Mr. W. Downton.

1486. Is that from your own wish?—No; after being 36 years at Drury Lane, I have no theatre where I can act at present, unless occasionally by breaking the law, and acting at a minor theatre.

1487. You have been in the room during Mr. Kean's evidence?—I have.

1488. You have heard Mr. Kean's evidence?—I have.

1489. Do you coincide with the greater part of it?—I am astonished at Mr. Kean's opinion, because when I am told that actors can be as well seen in Drury Lane theatre as in a smaller theatre, I can as well believe you can hang a cabinet picture on the top of that tower, and say, "Do you observe those beautiful touches, do you observe its lights and shadows? No; I cannot see it at all." That is my opinion as to the stage. Give me a theatre of a moderate size where you can be natural.

1490. How many years have you been on the stage?—I think I have been upon the stage somewhere about 40 years.

1491. You consider, therefore, you have had great experience as to the merits of an actor?—I think I have.

1492. Have

1492. Have



Mr. W. Downton.

22 June 1832.

1492. Have you ever seen Mr. Kean perform at the Haymarket?—No, I have not.

1493. Have you ever seen him perform in a small theatre?—Yes, in the country.

1494. Do you think he performs as effectively there as at Drury Lane or Covent Garden?—Much more so to my satisfaction.

1495. How great a proportion of the audience at Drury Lane do you think can see and hear well?—I think it was said by Mr. Kemble about two-thirds at Covent Garden; I am much of his opinion with regard to that; they may hear, because the actor knows he must be heard; he must bawl if he cannot be heard by speaking naturally.

1496. Do you conceive in a theatre moderately large, a theatre of the size of the Haymarket, a play like Julius Cæsar could be as well performed as it could be at a large theatre?—Much better.

1497. Not only as regards the merit of one actor, but as regards the whole body?—Yes, the whole body, I should think, if they have any pretensions to acting.

1498. What effect do you conceive it would have on the art of acting, if the monopoly of the two great theatres was broken up, and the legitimate drama was allowed to be played at the minor theatres?—I cannot exactly say; I think a number of theatres would be injured; but I am inclined to believe if the theatres were less, and there was another theatre, a fourth theatre licensed, it would be beneficial; but I think to throw it generally open would be ruinous to the greater part of those who embark in theatrical speculations, for the consequence would be, as so many adventurers embark in theatres, that in the course of two or three years one half of them would be in gaol; because it is very extraordinary, that though one man takes a theatre for a few years and loses a great deal of money while he has it, yet others will take it, and they will also become bankrupt.

1499. Do you not think that that exists at this moment?—Yes; such is the rage, that notwithstanding that, you will find another and another who will embark in theatricals.

1500. Do you not think that the circumstance of so many adventurers and speculators without fortune embarking in theatres, arises in some measure from the anomalous state of the law, which renders them all in fact out of the pale of the law?—Yes.

1501. If it was not against the law to be the proprietor of a small theatre, do you not think a more respectable class of persons would be willing to embark their property in them?—I do, most decidedly.

1502. Then you think to break up the monopoly would be to cure the evil with respect to the number of bankrupts and speculators embarking in the minor theatres?—I am not prepared to answer that question exactly, because I cannot judge. I do not know that breaking of the monopoly would do that; I have already said I think since the great increase of London, another theatre or two would be absolutely necessary for the entertainment of the public; and indeed with respect to the monopoly, it was always considered a monopoly by Mr. Sheridan. I have heard him admit a thousand times, "It is a monopoly, we do not deny it; but if it is broken in upon, we think we are entitled to compensation." That is not a question for me to answer, but it is perhaps a natural thing they should look to it after having been encouraged for so vast a number of years in having this monopoly; and it would be a hard thing to be broken in upon without some remuneration.

1503. How do you think that remuneration could be obtained; should it come from the minor theatres?—I think the question was asked Mr. Davidge whether such a plan could not be hit upon. I am unable to give any opinion upon it. I remember a very few years after Drury Lane was built, Mr. Whitbread did me the honour of consulting me a good deal, along with Mr. Dunn and some others, about the size of the theatre, and I always said, "Your house is too large; you are laying out too much money in building the theatre; it can never answer; you can never see a return for it; 250,000*l.* or 270,000*l.* is too much." The theatre went on, and became excessively involved in consequence, and the last time I saw him, a few days before his death, he said, "Downton, I always considered you a good-hearted fellow, but a wrong-headed fellow. You said the theatre would never answer; you are a true prophet, and my golden dreams are over; you have been right in your advice; can you tell us what to do?" I said, "I think the only thing you can do is to apply to Parliament to dispose of your theatre, and that they should do so by Covent Garden; get rid of it, and let it be thrown open, and get a theatre on a smaller scale, for this theatre



theatre can never answer." The incumbrance is so great a burden, the immense sums laid out in building. I think a theatre, to answer all the purposes of the drama, might be built for one-fourth of the sum they laid out in those immense buildings. I am at a loss to imagine how they came to lay out so much money when they saw that the former theatre, Sheridan's theatre, as it was called, failed from the immense sums that were laid out. I remember Mr. Sheridan saying the day after the fire, "There is one consolation, as the theatre is burnt down and we must build another, we must build a theatre where we can be seen and heard, and not go to such a monstrous expense in future."

1503\*. I think you say you are not of opinion the monopoly should not be broken up?—Do you ask me as to the justice of the case?

1504. In any point of view?—I think if there is another theatre, perhaps I speak selfishly, perhaps I could get engaged in it, and therefore I should like to see another theatre, for although I have a great respect for the managers of the theatres, I think they have used me excessively ill.

1505. You think it would be to the advantage of the theatres that now exist?—I think if a theatre of the proper size was built in addition to these, it would run them down, it would be a frigate that would run down and destroy these men-of-war; for I firmly believe if the drama were represented there, people would go where they could see and hear.

1506. There are some theatres now existing where they can see and hear?—None that are authorized, I believe, except the Haymarket.

1507. There is the Coburg?—That is not an authorized theatre; though it is licensed by the magistrates, I do not believe it is of any effect. I do not believe the magistrates have any power to license a theatre.

1508. I think you said it would be hard upon the patent theatres if the monopoly were broken up without some indemnification?—I should think so, without some indemnification.

1509. But you were at Drury Lane for 36 years acting, and did not then complain of the size of the theatre?—Always. I remember first coming into the theatre, I played with Mrs. Siddons in the country, at Weymouth particularly; she was excessively kind to me when she came to the theatre the first night I played.

1510. Whilst you were acting at Drury Lane, did you complain of the size of the theatre?—Yes; I was going to state, Mrs. Siddons said, "I am glad to see you at Drury Lane, but you are come to act in a wilderness of a place;" and God knows, if I had not made my reputation in a small theatre, I never should have done it here; but the public gave me credit for what they saw me do and heard me say at a small theatre. All the actors of that day, Mr. Charles Kemble, who was a young man as I was at that time, can remember that Mr. King never went on the stage without cursing it, and saying it was not like a theatre, and if Garrick was alive he would not act in it.

1511. Did you find the public complain of the size of the theatre at that time?—Yes; that they could neither see nor hear. The size was always a great complaint, and is now. I am astonished actors do not hear it wherever they go.

1512. Were the theatres well filled at that time?—Yes: and I believe they would now if they were conducted as they were at that time.

1513. If there were four theatres?—Yes; and I differ from Mr. Kean upon the subject. If there were 24 Mr. Keans, I would engage them all; for I never knew a theatre to go to any expense in actors that they were not repaid, and the only time that Drury Lane has succeeded has been when they could pick up all the talent throughout the kingdom.

1514. If they were equally well conducted, they would equally well succeed in spite of their size?—I think they would succeed in some degree, because they do so at present, though not so well as formerly.

1515. At former periods they have succeeded in spite of their size?—No; they they have been falling off these last 30 years.

1516. Before they began to fall off, they were filled in spite of their size?—It was after the destruction of what was called Garrick's theatre. From that moment the drama began to decline at Drury Lane. What was the reason pieces succeeded so well at Covent Garden? It was because the theatre was less and Drury Lane was large; they ran down Drury Lane completely.

1517. Do you happen to recollect what the size of Garrick's theatre was?—No, I do not; I think it was about the size of the Haymarket, from all I have heard of it. About 300*l.* or 350*l.* would fill it at that time.

Mr. W. Downton.

22 June 1832.

1518. How much will the present Drury Lane hold?—I believe 600*l.* or 700*l.* or upwards.

1519. In short, double?—Yes, it is double. How any man can play better where he neither can be seen nor heard I do not know, for no man can be seen or heard naturally at these theatres.

1520. If the monopoly were done away, do you consider that in the minor theatres the legitimate drama would be substituted for those smaller pieces, interludes, and such as are performed there now?—That I cannot possibly say; there perhaps will be a description of people who will follow that species of entertainment which is performed at the minor theatres. The fact is, that some of the minor theatres just now do perform the legitimate drama in defiance of the law.

1521. If it were legal, they might perform it much more; would that be the case?—Yes, if they had actors, I think the legitimate drama would always be attractive; but the persons who used to attend the theatres 20 or 30 years ago do not come now. I know many of the highest characters, who say, “We do not come to the theatres now.” His late Majesty, George the Fourth, said to me, when I had once the honour of seeing him at Brighton, “I do not go to those theatres because they are so large; I am not comfortable.”

1522. Is not the objection, that at the large theatres they cannot see or hear, and at the small theatres they cannot get the description of amusement they admire?—Yes, that description of persons.

1523. Do you not think the general performance of the legitimate drama would improve the public taste?—No doubt of it; and that is the reason of the falling off, for at the time I mention there were eight or ten actors of the first class. I do not speak it from any unkindness to my brethren, but there are no such actors now; theatres have been managed by persons who are perfectly strangers to dramatic affairs.

1524. At what theatre did you first appear?—Do you mean as a novice?

1525. Yes.—I played in a barn at Ashburton in Devonshire, or a cow-house; I believe it was not so good as a barn.

1526. And from thence you have gained the reputation you now enjoy?—If you are pleased to allow me any.

1527. Has not the greater part of your theatrical career been passed on the boards of the major theatres?—Yes; 36 years at Drury Lane; never at Covent Garden.

1528. And therefore you are indebted for your reputation to the boards of a large theatre?—I played, I think, for two or three seasons at the Lyceum theatre, which is now burnt down, and I got more into reputation with the public during those three years than I have done during the whole of the time besides.

1529. If you were to study your own feelings of what is best for your reputation, you would prefer a small theatre to a large theatre?—Most undoubtedly. I have heard the contrary from Mr. Kean, who ought to know as well as myself, but I never heard it before.

Mr. John Braham, called in; and Examined.

Mr. J. Braham.

1530. YOU are not the proprietor of any theatre?—Thank God! I am not.

1531. Your talent is in the musical line?—Yes.

1532. Which do you prefer, the stages of the large theatres or the minor theatres?—I only performed once at a minor theatre. I should imagine that singers find some advantage in singing in smaller theatres; they prefer not exerting their voices too much, and they would be able to give more attention to the science rather than to mere sound.

1533-4. You think the space in the great theatres is rather too much for the general convenience of the singer, from the constant exertion required?—I should think so from the generality of singers.

1535. Your reputation has been derived from both?—I have sung at theatres, concerts, oratorios, churches, in short at every species of musical exhibition.

1536. Are you acquainted with the laws which affect the drama at present?—No, I am not.

1537. You have been performing lately at one of the minor theatres?—I performed at the Coburg one night.

1538. Did you find the audience there perfectly respectable?—Perfectly so.

1539. As

Mr. J. Braham.

22 June 1832.

1539. As far as you could tell, you considered the audience respectable in general?—I thought so. They appeared to me to be perfectly respectable, and even elegant; they appeared to appreciate every thing that was done. With regard to myself, I was too much indulged perhaps, but I found every little effort of art was appreciated by the audience.

1540. Do you conceive, in short, as an actor as well as a singer, that the exertions and talents of an actor may be as well appreciated in a large theatre as in a small theatre?—I can only answer as a singer.

1541. As a singer, you think so?—As a singer, decidedly.

1542. Is the Coburg the sort of sized theatre which you think upon the whole most advantageous?—I consider it extremely advantageous. I expressed my opinion to Mr. Davidge that it was the most favourable house I ever sung in for sound.

1543. Better than one that is smaller?—Drury Lane before the alteration, in the time of Mr. Elliston, was extremely favourable for vocal sounds; after the alteration took place, I found it quite different. There was before that time, what I believe there is in every theatre, a sounding note; if you sounded a certain note the building vibrated; it does not now vibrate to any sound, it does not produce a kind of echo.

1544. That must have been rather in consequence of a change of shape than size?—Very likely.

1545. In point of fact, it is not much reduced in size?—It is reduced in size; but I think, in consequence of the reduction, a great deal of solid matter has been added to the building, which perhaps has destroyed the vibration.

1546. Then it is the construction and not the size which is in fault?—The size has been reduced in consequence of a greater quantity of solid matter upon the same space. If you take, for example, a glass, and strike it with your finger, it will produce a vibration, a continued sound, but if you place your finger on part of it that sound will be deadened, and I think theatres may be liable to the same accident. There is no rule laid down for harmonic buildings; but some theatres may be favourable to sound from accident, rather than from scientific principles, and that therefore may be injured by altering it, by laying a great quantity of bricks and mortar, and destroying the vibration.

1547. But I suppose there are certain rules to show why it is probable a particular shape may be best?—Yes, I believe the elliptic shape is considered by architects the most favourable.

1548. Have not theatres been found to be favourable in spite of that?—Yes, there is no scientific principle to build upon.

1549. No scientific principles at all?—No; only the nearer it comes to the shape of an ellipsis the more chance you have.

1550. Then you consider Drury Lane and Covent Garden too large?—No, I do not consider them too large for a person who has strength of organ to fill the theatres.

1551. It requires an unusually strong organ?—It does.

1552. You consider the Coburg more convenient on the whole?—Yes, I found it easier to sing there than at any other theatre; but a theatre may be small and bad for sound. The present Haymarket theatre is smaller than the others, and yet is the worst theatre for sound in the kingdom; the Adelphi is almost equally bad.

1553. Do you happen to be acquainted with the theatre of La Scala at Milan?—I sang there.

1554. Is that favourable for sound?—Yes; and so is the Opera House here.

1555. La Scala is larger than any theatre we have?—Yes.

1556. And yet is favourable to sound?—Yes.

1557. Have you sung at St. Carlos?—No, I was engaged to go there, but some accident prevented me.

1558. La Scala is larger than Drury Lane?—Yes, it is larger than any theatre I ever sung in, but the building may be so favourably constructed that it may not depend upon its size with regard to hearing favourably or not, but from some accidental circumstance of the shape or the materials of which it is composed.

1559. A small theatre may be so constructed as to be unfavourable to sound?—Yes.

1560. Do you not think that the reason why the Opera House is so favourable to singing is, that the stage goes so far forward into the house beyond the proscenium?—No; I do not consider so.

Mr. J. Braham.

22 June 1832.

1561. Do you happen to know whether Covent Garden or Drury Lane were composed of more timber than the houses of the new ones?—No, I know nothing of the details of the building.

1562. In singing, do you distinguish between the applause you receive from the different parts of the house, the gallery and boxes?—Certainly.

1563. Do you think there has been any decided improvement in the musical taste of those who frequent the galleries of the theatres?—Certainly, very much.

1564. Do you think there has been a taste introduced for Italian music?—Very much.

1565. And that English ballads are less admired?—The taste for Italian music is much improved; but there is always a beauty and an appeal to the heart in ballads which will never be lost except to those who pretend to be fashionable, and to despise the voice of nature.

1566. Do you perceive that the galleries appreciate more the beauties of foreign music than they did formerly?—Certainly.

1567. Will the same observation extend to country theatres in which you have acted?—In some of the provincial theatres, Bath, Bristol, Liverpool, Edinburgh.

1568. In the principal towns?—Yes.

1569. To what do you attribute that improvement?—To the introduction of the German authors and the music of Rosini, but particularly the music of the German composers. Covent Garden, for example, has brought forward a German opera in the first style of excellence, both as regards the music and the performers; I allude to *Oberon*, which has improved the taste of the public very much, and *Der Freischütz*, *Frá Diavolo*; and those operas which we heard with great applause now, would have been hooted off the stage some years ago.

1570. How did the opera of *Der Alchemist* take?—I do not know, I never heard it: it was performed only a few nights and withdrawn.

1571. In what way do you think the salaries of actors would be affected by throwing open the monopoly; would it be advantageous to the actors, or the contrary?—I think some actors must be engaged who would command salaries, but the body of performers would perhaps be injured.

1572. The moderate performers would be injured in proportion to the increase of licensed theatres?—No, they would be injuring the legitimate theatres, but it would be thrown open; they would have their choice of the minor theatres.

1573. Do you think upon the whole it would be advantageous to them in point of salary?—In point of engagement it would, but not in point of salary.

1574. More might be engaged, but the salary would not be so great?—Yes.

Mr. David Osbaldiston, called in; and Examined.

Mr. D. Osbaldiston.

1575. ARE you proprietor of the Surrey theatre?—Yes.

1576. What performances have been lately performing; have you been giving the regular drama lately?—Yes, we have.

1577. Did you find that drew good houses?—Mixed up with what we call the minor drama, it does; if we played it solely, I do not think it would be continually attractive.

1578. Are you manager of the Surrey theatre?—Yes.

1579. Mixed up you mean with other pieces?—With melo-dramatic pieces which we have written for ourselves; original pieces.

1580. In cases where you have not adopted the star system, where you have not engaged any great actor, do you find the legitimate drama answer in the long run?—Yes.

1581. Independent of the performances of one great actor?—Certainly.

1582. Which should you consider you drew the greatest returns from, some evening on which you performed the illegitimate drama, or some evening on which you performed the legitimate drama?—It depends a good deal on circumstances. If we had performed any of the legitimate dramas which had not been played at the theatres for 12 months, it will generally draw money; if we produce a piece of our own writing, that will bring money; if we revive a piece that was done two or three years ago, that will bring money.

1583. In short, novelty will be the attraction?—Yes; we have had as great receipts from the legitimate drama as from dramas of our own production.

1584. Do

1584. Do you think there is any great partiality in the present administration of the law with regard to the prosecution of theatres?—There is a great partiality shown with respect to the minor theatres, if they are not allowed to play.

Mr. D. Osbaldiston.  
22 June 1832.

1585. You perform in spite of that?—Yes, we do.

1586. You consider, then, the public is inclined in your favour against the strict monopoly of the two great theatres?—Yes.

1587. Have you ever had Mr. Kean to perform at your theatre?—Never.

1588. What great actors have you had to perform at your theatre?—We have had Mr. T. P. Cooke from Covent Garden, and Mr. Reeve, who was also at Covent Garden.

1589. Have you found that the talent of those actors appeared to be appreciated in spite of the small size of your theatre?—Certainly.

1590. You are at present licensed by the magistrates?—Yes.

1591. In any alteration of the law, do you consider that would be the best mode of licensing theatres, or granting it to the Lord Chamberlain, or leaving it to the public, and making it compulsory on the magistrates?—I think it is indifferent how we are licensed so that we get a regular licence, and we know upon what ground we are proceeding.

1592. Suppose you were not allowed to perform the legitimate drama; suppose that were clearly defined, and you were not allowed to play tragedy and comedy, and left a wide range in other respects, do you conceive you should be able to draw houses sufficiently large to repay you?—Yes, if we were allowed to have recourse to the legitimate dramas already written; the dramas of Shakespeare to be played occasionally.

1593. In that case you would not have the power of purchasing the copyright of new tragedies and new comedies?—I should not care if we had not the privilege of playing new tragedies until they were played a certain number of years at the great houses.

1594. Have you the census of the population of your parish?—Yes, I have.

1595. What number of persons will your theatre hold?—I should think about 2,200 or 2,300.

1596. What class of persons generally constitute your audience?—They come from all parts, I fancy.

1597. Are they people from the vicinity of the theatre, or from the west end of the town?—I think more persons from the vicinity of the theatre than from the west end of the town.

1598. If the present restrictions were removed, do you think it would tend to improve the character of the performances you represent at your theatre?—I think the character of the performances at the Surrey theatre cannot be much better, for we mix up the legitimate drama with what we do, but we should be on a surer foundation.

1599. If you were on a surer foundation with respect to the law, you might be induced to embark still greater capital and still greater exertions in the theatre?—No, I do not think we should.

1600. You would be only anxious to keep up your present respectability?—Yes.

1601. The audience you draw is always of a respectable description?—It is.

1602. If the present restrictions were removed, do you think you would be able to perform at a cheaper rate to the public?—No.

1603. How many persons are employed in and dependent upon your theatre for support?—Directly and indirectly, I should say, at a rough guess, 400.

1604. For how many months is your theatre licensed?—It is licensed for the whole year.

1605. I wish to ask whether you think it an advantageous thing that more theatres should exist than exist at present; if the monopoly should be entirely thrown open?—Certainly not.

1606. Then all your desire is, that the licence should extend to yourselves, to be put upon the same footing as others?—Yes, or at all events we should know on what footing we are, for according to the present laws we are not allowed to play at all.

1607. Then you do know on what footing you are?—Yes; but we might as well give up the theatre if we were only to give dancing and singing.

1608. You think if you were strictly to abide by the law the theatre could not go on?—I do not think we should receive 5 *l.* a night. I would not give 5 *l.* for the night's receipt for a twelvemonth.

679.



Mr. D. Osbaldiston.

22 June 1832.

1609. Will you state what is the law of copyright? How soon could you at the Surrey theatre produce a new play which had been brought forward at the large theatres?—I do not suppose we have any right to do that at all, for I believe we have no right even to speak upon our stage, only singing upon our stage.

1610. Then your not being enabled to produce those pieces is not from your not having a right to do so, but not having a licence to perform plays?—We have no licence to perform plays at all.

1611. Then confining the question to a ballet brought out at the larger theatres, could you perform that at your theatre?—I cannot tell; I do not really know whether we have a right to do that.

1612. Have you produced at the Surrey theatre any ballet in very close imitation of some favourite ballet at the large theatres?—Never; we do not give ballets at our theatre; we have no ballet company. We do not produce ballets at all.

1613. What is the sort of piece you find most attractive in general?—The melo-dramatic style of performance, mixed up with the regular drama occasionally.

1614. The regular drama and melo-drama?—Yes.

1615. Then you would think it a very great hardship, and a very great loss, if the law were regularly enforced, and you were prevented from playing the legitimate drama?—Yes.

1616. How soon do you venture to produce any new play after it has been played at Covent Garden or Drury Lane?—I should never think of producing it during the run of that piece at the theatre. The question was asked me this morning to produce *Rienzi*, which I refused; I have been asked several times to produce the *Hunchback*, which I refused.

1617. Then it is a matter of taste with you whether you will do so or not, for there is nothing in the law to prevent you?—Yes, there is a law to prevent me.

1618. How soon can you do it according to law?—I cannot do it at all by law.

1619. It is merely by sufferance you are acting at this moment?—Yes; I believe I could equally be fined by the managers of the major theatres for playing one of our own productions as for playing their *Rienzi* or their *Hunchback*.

1620. Suppose the piece is not published, does not it happen that a copy is obtained from the theatre at which it has been produced and acted?—Yes; before it is published they sometimes do, but it is by the permission of the manager or author of the piece. We do not take it surreptitiously away, and perform it.

1621. Has it never been obtained from the prompter?—I never have.

1622. Do you know that others have?—I do not know that it is done in London; it is common in the country.

1623. By a fee to the prompter?—Yes, or by persons being in town, who procure those pieces.

1624. Do you know what remedy the author has?—No, I do not.

1625. The theatres, of course, could prosecute if they please?—There is sometimes an injunction laid upon the manager.

1626. They obtain an injunction from the Chancellor?—Yes.

1627. There is the remedy of an injunction from the Chancellor?—I believe so.

1628. In the instances in which you have brought forward the regular drama in your theatre, have you ever brought forward a play which has not been previously licensed by the Lord Chamberlain, and acted at the large theatres?—None of the pieces we create ourselves are licensed by the Lord Chamberlain.

1629. Have you ever brought forward things which may be strictly within the definitions of the regular drama, not burlettas?—I do not know that the pieces we produce are such.

1630. Have you ever produced pieces like the *Rent-day*?—Yes; *Black Eyed Susan* might be styled something like the *Rent-day*; it is by the same author, in fact.

1631. You never brought forward a coat-and-waistcoat comedy or a regular tragedy?—Yes, we did, a piece called *Thomas à Beckett*, which was also written by the author of the *Rent-day*.

1632. What was that?—A three act tragedy; an historical tragedy.

1633. Did that undergo any censorship whatever?—None.

1634. Did not you bring forward Lord Byron's *Foscari*?—No.

1635. Should you object to be put under the censorship of the Lord Chamberlain's office?—No, not at all.

1636. Do you think that power, as far as you have been acquainted with it or heard of it, has been used with discretion and impartiality?—Yes; I do not remember



remember an instance to the contrary myself. I have not lived in London so long as to remember things that have transpired more than five years since.

Mr. D. Osbaldiston,

22 June 1832.

1637. Were you manager of a provincial theatre before?—I have been.

1638. What theatre?—At Truro, in Cornwall.

1639. Licensed by the magistrates?—By the mayor.

1640. You were not subject to any censorship there?—No.

1641. Could you perform *Massaniello* there?—We have performed it.

1642. Suppose that had been an original piece brought out at Covent Garden or Drury Lane, is there anything in the law which would prevent your bringing that forward at the Surrey theatre?—That was a tragedy of *Massaniello* which was performed at Drury Lane some time ago, not the opera.

1643. How many years ago was that performed?—I believe eight or ten years ago.

1644. Should the managers of Drury Lane have thought proper to apply for an injunction against you for performing that tragedy, do you think they would have succeeded?—I should hardly think they could, in the present state of the law.

1645. It having been produced ten years ago?—Yes.

1646. Then what would you place as the limit of time in which an injunction should be had by the theatres; is it the run which a piece is having at the theatres?—No; it more depends on the feeling of the proprietor of the piece and the proprietors of the theatre, against the proprietors of the other theatre.

1647. He can do it then at any time he pleases?—Yes, I fancy so.

1648. You say you were manager at a country theatre; what is the process at a country theatre, not a patent theatre, like Brighton or Liverpool; how would you go to work if you wished to bring out any piece like the *Hunchback* at Covent Garden?—We should get a printed play and produce it.

1649. Immediately?—Yes, immediately.

1650. You would infringe no right of Covent Garden if you played it the night after?—We should perhaps infringe real right, but custom has sanctioned it.

1651. As soon as you could get a copy?—Yes; I remember an instance with respect to *Therese*: I played it a month or six weeks after it was produced in London.

1652. You were aware there was a law against it?—I scarcely inquired about that, for it was so much the custom of all theatres to do it, that I followed the same course.

1653. The publication, you think, takes it out of the right you have stated as to a play that is not published?—It is understood in the minor theatres in London, that as soon as a piece is published they have a right to play it.

1654. Have you that right at the Surrey theatre, provided your licence enables you to do so, to produce those pieces after publication, as you have in the country theatres?—I should think they ought to have the same right.

1655. What way do you remunerate authors at your theatre?—It is either by a nightly sum during the run of the piece, or a bargain agreed upon between the manager and author for the piece entirely.

1656. What is the usual mode of proceeding?—One is as customary as the other with us.

1657. If a piece runs for a certain number of nights, there is a certain sum; is it greater if it exceeds a certain number?—No; there is a certain sum until the publication of the piece. If the author publishes his piece, the remuneration ceases.

1658. Is he at liberty to publish it when he pleases?—We make a bargain that he shall not publish it within three months, for we imagine if he publishes it, other theatres will perform it, and it will lose its attraction.

1659. Do you ever purchase the copyright yourself?—I never have myself. Mr. Ellistōn did previous to my management.

1660. You say that in the country you would act it as soon as it was brought out, if that be before publication?—That is the custom, I believe.

1661. That would be a breach of the copyright?—It would be a breach.

1662. Have they a remedy at law against you for that?—I do not know; I believe there may be, but it has been so long a custom.

1663. I thought you said it was the custom to wait until the piece was published?—No, not always; managers get down a copy and play it.

1664. As soon as they can get a copy?—Yes.

Captain *John Forbes*, called in; and Examined.

Captain  
*John Forbes.*

22 June 1832.

1665. WHAT theatre are you proprietor of?—Covent Garden.

1666. Do you hold a considerable share?—An eighth.

1667. Do you consider the interest of the property of Covent Garden theatre deeply implicated in the preservation of the present monopoly?—No question about it.

1668. Then if the whole monopoly were to be broken by a future Act of the Legislature, you conceive it would be just that you should receive compensation?—I conceive that otherwise it would be an act of the grossest injustice, for these reasons: the patent which was originally, properly or improperly, granted, has been recognised, as I will take the liberty of showing, by almost every Monarch since it was first granted, down to His present Majesty.

1669. But it was always granted upon some understanding; it was given as a trust, not as a gift?—There has never been any complaint of any breach of trust either from the Monarch or the Lord Chamberlain, the organ of the Monarch, that has reached the theatre, to my knowledge.

1670. Nor from the public?—Nor from the public.

1671. Do you ever read the newspapers?—Frequently.

1672. Have you ever heard any complaint that the drama has deteriorated, and the dignity of the drama has been injured by the patent theatres?—Yes, and I know how that arises. Many of those parties, reporters to the newspapers, send in dramas which in their estimation are invaluable, but in the estimation of the public are not worth one farthing. Those parties are irritated by their not being represented, and they give that mis-statement to the public which you have just now stated.

1673. You conceive it is the reporters of the newspapers who write the leading articles in the newspapers?—That is my opinion as to the theatrical articles.

1674. How can you tell whether those productions would be acceptable to the public or not till they are represented?—We have tried them frequently, and they have always failed.

1675. Have they never been brought out at minor theatres afterwards?—That I cannot say.

1676. If those productions are likely to be of no value to you as proprietor of the theatre, and not satisfactory to the public, what objection can you have to those productions which come under the head of the legitimate drama being represented at the minor theatres?—We object to it because it is an infringement of our patent rights.

1677. Not for the sake of the public?—I consider that any infringement of our patent rights, the law has the best means of judging of.

1678. You think your patent rights are of more consequence than the amusement or entertainment of the public?—We do not pretend to judge of that fact.

1679. You never consider the public?—We consider the public in this way, that there is no instance where a piece is given to us that it is not represented, if it is likely in any way to answer the purpose.

1680. But suppose the Lord Chamberlain licenses a legitimate drama at all the minor theatres, or even one, would you consider that an infraction of the law, or merely a violation of the compact and good faith that exists between you and the Crown?—If it is not out of Westminster, I do consider it an infraction of the compact between the Crown and us, and the law is violated also.

1681. What law?—The Act of Geo. 2; if you will have the goodness to refer to 10 Geo. 2, and 25 Geo. 2.

1682. Which clause of 10 Geo. 2 is violated by the legitimate drama being played at the minor theatres by the license of the Lord Chamberlain?—If it is out of Westminster the Lord Chamberlain has no control, and no means of granting a licence.

1683. The question I asked you is this; suppose the Lord Chamberlain licensed a legitimate drama?—It must be in Westminster, because he has no power out of it.

1684. Suppose he licenses it within the city of Westminster, would you consider it an infraction of the law?—No.

1685. But a violation of good faith?—Yes, clearly.

1686. And the Lord Chamberlain is perfectly independent of you?—We admit the Lord Chamberlain may do that; but as Lord Thurlow, who was a great judge, said, "Would the Crown do so?" He stated, the Crown had full authority to do that; "but would it not be a violation of faith; and would the Crown do so?"

1687. Suppose

Captain  
*John Forbes.*

22 June 1832.

1687. Suppose the Crown did do it?—We must submit.

1688. Suppose the Crown took the entertainment of the public into its consideration, and in order to add to it, threw open the legitimate drama; what remedy would you have?—I do not know that we should have any remedy against the Crown; we do not enter the lists against the Crown.

1689. You have no exclusive rights by law?—We have by the patent.

1690. Not exclusive rights?—The patent is before the Committee, and they will be sufficient judges of that if they will refer to it.

1691. I can find no exclusive privileges given to you that might not also be given by the Lord Chamberlain to the minor theatres?—Yes, within Westminster.

1692. You allow that is so?—Yes; but then I state in equity we stand on the compact; as Lord Thurlow said, “Would the Crown do so?” Has not a very large sum of money been expended upon the faith of that? If you will have the goodness to refer to the book that is now before you, the 50 Geo. 3, you will find the Act of Parliament recognises the patent.

1693. You are not aware the Crown has already committed that breach of faith?—I am aware it has.

1694. Then that would be an answer to Lord Thurlow’s question; the Crown has done it?—It has.

1695. Then we are justified in supposing it did not consider it a breach of good faith?—It would be so considered, but that we have no right to come and arraign the acts of the Crown. We do not presume to do so.

1696. Then your exclusive privileges are merely nominal?—I do not know that they are merely nominal in equity.

1697. In law they are so?—They are established by this Act of the 50 Geo. 3, c. 214, sec. 2. I am not presumptuous in saying we have rights. I think this point has been addressed to the Committee before.

1698. At that time Drury Lane had purchased the Killigrew patent?—That is the Act by which they did purchase it.

1699. What patent is it Covent Garden has?—Davenant’s.

1700. From whom did Drury Lane purchase Killigrew’s patent?—The two patents were in Covent Garden at the same time.

1701. Do you know when they both belonged to Covent Garden?—I have not the dates in my memory.

1702. But for a length of time they belonged to Covent Garden?—They did.

1703. And the Killigrew patent was sold by Covent Garden to Drury Lane?—Yes, by direction of his Majesty, George the Third. The compact was signed by his late Majesty as Prince of Wales, by the Lord Chamberlain, the Marquis of Salisbury, I think, and by the Duke of Bedford; those three parties consented to and recommended the sale of the patent, by the direction of his late Majesty, George the Third.

1704. Do you think it would be ruinous to the interest of those who have embarked their money in Covent Garden theatre, if the monopoly should be thrown open?—I will only take the liberty of citing what my opponents have said; they have all admitted it would be ruinous to us, and to the drama as well.

1705. You are mistaken; they have said no such thing. State what is your opinion?—My own opinion is unquestionably that it would be ruinous.

1706. And your opinion is, it would be a hard thing that you should be ruined for the sake of the public?—Yes, unless the public think it right to remunerate us. These parties who are so anxious to take our property are extremely tenacious of their own; that we should not take theirs.

1707. In the first place, you consider the present cry which exists among the public with respect to the monopoly at the two great theatres, and which has in fact so far succeeded as to produce this very Committee, has been brought about by some disappointed reporters of the newspapers?—You cited the newspapers as authorities, and I gave you my reason why I did not consider them so.

1708. Did you ever happen to refuse a play at Covent Garden theatre by Mr. Barnes of the “Times”?—I do not know.

1709. Or Mr. Thwaites of the “Herald,” or Mr. Black of the “Chronicle,” or any of the other editors?—I do not possess that information.

1710. These gentlemen write the leading articles in their newspapers. The leading articles, as well as the theatrical articles, have pointed out the inconveniences of the monopoly. But you say, newspaper writers are rejected dramatists, and therefore prejudiced; yet you have never refused plays by these gentlemen?—

Captain  
*John Forbes.*

22 June 1832.

I do not know the fact; I heard the fact I have given from the parties whose province it is to judge of the plays.

1711. What is your opinion of the law as it at present affects your patent; do you not consider your patent is at present invaded?—No doubt.

1712. Then you would like to have the monopoly strengthened?—That is not for me to give an opinion upon; it would be putting me in a very invidious situation if I were to give an answer to that. I merely cite the law as it is.

1713. You do not wish the law to be altered?—I think if the law is altered, and it destroys my property without remuneration, it will be an act of extreme hardship. I say it might be a benefit to the public, to actors or artists, or any other description of persons, to divide our property, or the property of any gentleman I am addressing; it might be a benefit for the moment, but I say that benefit would be but of short duration; and they have the same right to divide your property as they have to divide mine.

1714. In what manner do you consider that remuneration should be given to you?—I would much rather that should come from another quarter.

1715. In what manner do you think that remuneration could be drawn?—It might be drawn in various shapes. If these theatres, for example, as was stated in this seat a little while ago, were put up to lottery, a mode of remuneration might arise; or, for example, as in the large grant that was given to the Duke of Bedford's ancestors of a slice of London, when the present inhabitants of that part of the town require any part from the Duke of Bedford, they come and make an agreement with his Grace to build upon that estate. The same thing might arise with reference to the minor theatres. If they want my property, it will be but a similar case; if they come and make an agreement, they may take that part of it.

1716. That you think would be a sufficient remuneration?—I do; either of those two modes: but I do not mention that presumptuously; you put the question, and I am giving the best answer my judgment is capable of.

1717. Those two would be advisable?—Yes; I do not know that the Government would be inclined to do that of itself, nor do I suggest it.

1718. How could you calculate the remuneration that would be required?—I am not prepared at this moment to calculate the amount of it; but in our petition to the House of Commons, the different sums are stated which have been embarked. It is stated also on what faith we embarked our property. I consider we have a much better title to our property than there is perhaps to any property in the kingdom at this moment, because it is not only like the Duke of Bedford's estate, a Royal grant, but it is recognised by every Act of Parliament which refers to the subject; and it was recognised in the last case in which by His Majesty's direction it was investigated by the Lord Chancellor, the Vice Chancellor, the Chief Justice of the Common Pleas, and Mr. Justice Park, last year.

1719. Have you ever had reason to complain of the Crown violating any part of the compact up to the present time?—Frequently.

1720. In what instances?—We complained to the Lord Chamberlain on a very recent occasion of the increase of these minor theatres, and their performing the drama, and more particularly the occasion of our complaint about three months back was Mr. Rayner setting up a theatre in the Strand, in defiance of the Lord Chamberlain, and in defiance of the law.

1721. What was his answer?—The Lord Chamberlain undertook to prosecute the parties, but nothing has been done. I have heard circumstances relating to the subject which perhaps may not be true, and therefore I will not repeat them.

1722. You consider the minor theatres are infringing your patent at the present moment by acting the legitimate drama?—No doubt of it.

1723. Then what injury do you apprehend would result to the patent theatres if the minor theatres were allowed to act the legitimate drama?—I conceive you would never have a play well acted in this country again.

1724. How would there be a greater injury than at this moment?—The injury would be increased.

1725. Is Covent Garden in a prosperous state?—At present it is not.

1726. Since when has it not been prosperous?—Since the year 1820.

1727. To what do you ascribe the change?—The increase of the minor theatres, the late hours of dining, and the Monarch not giving it that support which was given before by his presence.

1728. Do you believe there exists a real desire in the public for more theatres than there are at present?—Upon my word I doubt it very much.

1729. You

1729. You say you are not aware there have been proceedings taken by the Lord Chamberlain against Rayner, but I believe there have been?—I do not know the fact.

1730. Have you not the power of instituting proceedings yourself either in a court of law or before the magistrates?—We have.

1731. Why do you not exert it?—Because the law is so dilatory it would absorb all the money we could raise in any shape to do it.

1732. It is just as dilatory in the way of the Lord Chamberlain?—Not quite so; for if you will refer to the 10 Geo. 2, you will find he can do it.

1733. But you can do it by information before a magistrate?—There is great difficulty, the solicitor stated, in getting at the evidence, and in one instance he could not even get the Christian name of the party.

1734. Then you think the law might be amended in some respects with regard to theatrical affairs?—It is probable it might.

Captain  
*John Forbes.*

22 June 1832.

*Lunæ, 25 die Junii, 1832.*

EDWARD LYTTON BULWER, ESQ., IN THE CHAIR.

Captain *John Forbes*, called in; and further Examined.

1735. YOU stated the last time you were examined, that the only objection you had to opening the monopoly of the large theatres, was the difficulty of granting them compensation, and you considered it would be exceedingly unjust to break up the monopoly unless compensation was granted to the two large theatres?—I did state that.

Captain  
*John Forbes.*

25 June 1832.

1736. You stated your opinion, that the principle question was as to compensation to yourself and the other proprietors of the two large theatres, in case the monopoly was broken up; now, do you consider the amount of the compensation should be in proportion to the value of the property in the two theatres?—I do.

1737. Supposing all the debts of Covent Garden theatre were paid, do you think a large surplus of property would remain?—I do.

1738. Do you consider the value of the house would be very considerable to the proprietors, supposing debts which are now upon the house were all paid?—No doubt of it.

1739. You conceive the amount of the compensation should be proportioned to the value of the theatre?—No doubt of it.

1740. At the same time, it appears from the evidence before the Committee, that the property has been very unproductive, that it has not been at all profitable to the proprietors since the monopoly was granted?—I never admitted that.

1741. It appears from the evidence; you say you do not admit that?—Not in any way, because the books will show the contrary.

1742. The scheme you suggested of providing compensation, was that of a lottery?—It was suggested by another party, and I acceded to it.

1743. That is supposing Parliament were willing to grant a lottery?—Yes, it was suggested by Mr. Sheridan.

1744. Of what value do you consider Covent Garden theatre?—I have never given the thing a consideration.

1745. Is not that easily to be ascertained?—It is.

1746. What is the actual amount of debts in the property?—The debts at present, I should think, in round numbers, about 160,000 £.

1747. Does that consist in part of the 76,000 £. which is stated in this paper?—Yes.

1748. How is the rest made up?—By simple contract debts and debts upon bond.

1749. The money which has been embarked since?—The greater part has been advanced since; indeed the whole, except 6,000 £. or 8,000 £.

1750. You have an eighth share in Covent Garden theatre?—Yes.

1751. Of what value do you consider that?—It must depend entirely on the proceedings of the Government: if they break faith with us, the value is nothing.

1752. What do you consider it to be now or previous to the appointment of this Committee?—I have never given that a consideration.



Captain  
John Forbes.

25 June 1832.

1753. Do you receive any annual income from it?—While the debts are paying off, that is an annual income. If I owed 20,000 *l.*, and I pay off 4,000 *l.* a year out of the profits of my business, surely that is an annual income of 4,000 *l.* a year for five years.

1754. You receive 4,000 *l.* a year and pay 4,000 *l.* a year?—Yes; that is an annual income, because at the end of five years I am less in debt by 20,000 *l.*

1755. You mean it is an annual income, whether you lay it out in paying debts or buying commodities?—No doubt, because I am better at the end of five years by 20,000 *l.* than I am at present; *ergo*, I have an annual income of 4,000 *l.*

1756. Have you invested 20,000 *l.* in Covent Garden theatre?—Yes, more.

1757. What interest do you receive upon that annually?—I do not receive interest until the debts are paid.

1758. How many years will it be before the debts are liquidated?—It is not intended to liquidate the claims of the shareholders; they hold upon bonds coeval with the extent of the lease; the other debts will be liquidated in the course of a certain number of years.

1759. Then you received no interest for the money you advanced?—I receive interest if I pay off my debts.

1760. Who receives interest now?—There is some part upon interest, and some part not upon interest, and the interest accumulates whilst the debts are paying off by the proprietors of the theatre.

1761. How many shareholders are there?—There are 152 shareholders in 500 *l.* shares.

1762. Then you consider the 76,000 *l.* was about the value of the property?—As I stated before, I have never given the thing the least consideration.

1763. You consider there are 152 shareholders entitled to 500 *l.*; do you consider the shares worth 500 *l.*?—They considered them so, or they would not have advanced their money upon them.

1764. You consider 500 *l.* was an equivalent for a 500 *l.* share?—Yes.

1765. Then we may ascertain by that what the property is worth; you consider the property is worth 76,000 *l.*?—I do not understand how that arises, the theatre cost 300,000 *l.*, the patent cost 60,000 *l.*

1766. You state there are 152 shareholders, at 500 *l.* each?—Yes, that is 76,000 *l.*

1767. And besides that, you say there has been a considerable sum of money embarked since?—Yes.

1768. Upon the faith of those patents?—On the faith of the patents, of course, as well as the Acts of Parliament.

1769. Out of the 60,000 *l.*, did not you receive 20,000 *l.* from Drury Lane?—The 20,000 *l.* was paid before the new theatre was built.

1770. You received 20,000 *l.* from Drury Lane, for Killigrew's patent?—Yes, I believe that was the sum.

1771. The 60,000 *l.* includes both patents?—No, I believe that is the price of Davenant's alone.

1772. Then how did you become possessed of Killigrew's patent?—I do not know.

1773. Having received 20,000 *l.* back of the purchase money, that reduces it to 40,000 *l.*, that is what your patent is worth?—The value of the property is the amount which has been invested, in consequence of the patent and the Act of Parliament.

1774. You bought that theatre with the 60,000 *l.* as well as the patent, it was not the mere piece of paper you paid 60,000 *l.* for?—I am speaking without book, as I am not aware of that fact.

1775. Having embarked your property in the speculation, you are not aware of that fact?—The property came to me by marriage.

1776. Has a copy of your patent been given in?—Yes.

1777. What has been the practice hitherto with regard to the shareholders, have you paid off any part of the principal, or have you paid them only interest?—We have paid them interest generally; some of them have not even got their interest.

1778. Then you have not paid off any part of the principal?—No.

1779. But paid the interest when you could?—Yes.

1780. Of what value in the market are your shares?—I do not know.

1781. Have any been sold publicly of late?—I do not know.



Captain  
*John Forbes.*

25 June 1832.

1782. In short, you are not aware of the real value of your property?—I am not.

1783. But you think that property would be considerably deteriorated if the minor theatres were allowed to play the legitimate drama?—Yes, I think not only that property, but the property, if such it can be deemed, arising out of the industry of every performer in either of the patent houses.

1784. How can you anticipate that as to the performers, because they would obtain salaries at the other theatres?—They have attempted it at the minor theatres, and how have they been paid?

1785. Would they not be better paid, if the minor theatres had the opportunity of producing more attractive pieces?—I think not. There has been a calculation made that a certain sum of money was given to the theatres annually by the public, that sum of money we have ascertained, by the best experiments in our power, of late years has not been increased, therefore if it be divided it must be so subdivided as completely to ruin all the prospects of the superior performers.

1786. Has not that calculation been answered, because it has been shown you could not suppose that sum would not increase if the character of the performances should be more attractive, but it has been limited, because the patent theatres have not been attractive?—The minor theatres have acted legitimate drama, in defiance of the law, and they have not found that sum increased.

1787. What is the sum named?—I do not recollect at present; I think about 1,200 *l.* a day was the calculation, but it is some time since I turned my mind to it.

1788. Are you aware that the performers take a different view of their own interest, as they are in favour of the minor theatres playing the legitimate drama?—The evidence I have heard, with the exception of one of the performers, has tended the other way.

1789. What do you think of Mr. Dowton's evidence?—If I were inclined, I could account for that, but I am not obliged to do so.

1790. Mr. Dowton's was in favour of the minor theatres?—It was so.

1791. Mr. Braham's was in favour of the minor theatres?—I did not understand it so.

1792. Have the shareholders free admission-tickets?—They have.

1793. How many apiece?—One, either personal or transferable, once a year.

1794. No plan of compensation, except that of a lottery, suggests itself to you?—The plan I mentioned on Friday, which is in evidence.

1795. Who is the new lessee of Covent Garden theatre?—Mr. Laporte.

1796. How many bidders were there?—There were two.

1797. What does Mr. Laporte give?—Altogether it comes to nearly 11,000 *l.* a year.

1798. Has he taken it for a term of years?—For seven years.

1799. You said on Friday, the plan you proposed was, that if the proprietors of the minor theatres wanted your property, they should come to the patent houses and ask to make some agreement with them, as with the Duke of Bedford for leave to build?—I did say so.

1800. That would leave them quite at your mercy, as to the terms you would propose?—It is like every other property; like every other royal grant in this country, and the whole property of Ireland.

1801. Do you complain of the Lord Chamberlain licensing Italian and French operas at present at the King's Theatre?—I do not recollect that we have made formal complaint of that; but I think we have reason to complain of it, as I will show, if the Committee will allow me to go into the evidence which I was required to furnish. I am now prepared with the compact made with the Opera-house.

1802. What information have you to give with respect to that?—It is an agreement signed by R. B. Sheridan, Thomas Holloway and William Sheldon, and approved by the Prince of Wales, the Duke of Bedford and the Marquis of Salisbury. The sixth clause states, "It having been agreed on all sides that Mr. Harris should derive a just compensation in respect to his dormant patent from the Haymarket property, at the same time the various and necessary charges laid on this theatre rendering it very desirable that the arbitrator should add as little as possible to those expenses, it is agreed that the Haymarket theatre shall be charged only with an annuity of 250 *l.*, redeemable for 5,000 *l.*, towards that compensation; and that all further expenses attending the settlement with Mr. Harris shall be borne by the proprietors of Drury Lane theatre, upon the said dormant patent being

Captain  
John Forbes.

25 June 1832.

being annexed inseparably to that theatre, with the consent of the Duke of Bedford." 7th. "In this case, it is to be understood as a part of the settlement *bonâ fide* between the three theatres, that the patents of Drury Lane and Covent Garden shall never be exercised for the performance of Italian operas, and that the Haymarket theatre and patent shall be for Italian operas only, with such occasional aid as has been usual from balls and masquerades." 27th. "To be referred to John Maddocks, Esq. and Arthur Piggot, Esq. to prepare a proper deed for the carrying the above outline into execution; and in which deed are to be inserted all such clauses, provisions and declarations, as in their opinion shall be proper or necessary for effecting the trusts proposed, and securing the rights and interests of the several parties according to the true spirit and meaning of this outline of the arbitrators." 31st. "*Every part of this arrangement to be subject to His Majesty's approbation.*"

1803. Has not the King's Theatre received a subsequent licence from the Lord Chamberlain?—That I do not know; it is part of that arrangement that a licence shall be granted for 21 years. Upon this subject, I will take the liberty of reading an opinion of Mr. Hargraves, who was the counsel we consulted at that time. He says, "A plan, of which the proposed transfer is a part, has been approved in writing not only by His Royal Highness the Prince of Wales, as well as by the Duke of Bedford and the Marquis of Salisbury, His Majesty's Lord Chamberlain, subject to his approbation, but has in effect been approved by the King himself. The approbation of His Royal Highness and the Marquis of Salisbury appears from the Opera arrangements signed by them; for, according to the sixth article of that arrangement, Mr. Harris is to be compensated for his dormant patent. The Haymarket theatre is to contribute to the value of 5,000 £, and the further expense is to be borne by the proprietors of the Drury Lane theatre, on having such dormant patent inseparably annexed to it. The approbation of His Majesty appears in effect from a letter of the Marquis of Salisbury to Messrs. Sheldon, Needham and Burton, the trustees of the Opera undertaking, dated at the Lord Chamberlain's-office the 24th February last; for by this letter, Lord Salisbury officially informs those three gentlemen of his having laid the extract of the Opera arrangement before the King, and of His Majesty's not disapproving it. This negative manner it seems is the usual form of giving the royal approbation. To suppose that a transfer of the royal patent thus sanctioned by His Majesty, by the Heir-apparent to the Crown, and by the Lord Chamberlain, whose office is so peculiarly connected with the theatres, should be hereafter quarrelled with by the Crown or its officers, would be, as it is submitted, to suppose that the Crown may break faith with those who, under the royal sanction, embark in plans of vast expense and magnitude."

1804. What is the date of the compact?—1791.

1805. Then a licence was granted to the King's Theatre for 21 years?—Yes.

1806. That must have expired?—Yes.

1807. Have you a copy of the new licence?—I have not.

1808. The new licence may not restrict the Italian opera in the way that the licence of 1791 did?—If it does not it is a breach of the compact.

1809. The Committee have a copy of the licence granted to the King's Theatre, and that reserves to the Lord Chamberlain the power of licensing the performance of German and French operas on a separate nightly application made by the King's Theatre; therefore, on application, it is quite clear the Lord Chamberlain has the power of licensing German and French operas; so that it is worded different from the agreement which you have just read?—Will you permit me to say this is not to be dealt lightly with, because it was the act of the Monarch; it was further the deliberate act of the Legislature, and I have now before me the Acts of Parliament which confirm it, as well as other royal documents.

1810. Who do you mean as dealing lightly with it; if anybody, it is the Lord Chamberlain, and that is what we wish you to prove if you can?—I have already proved it by this agreement, with the signatures of the Prince of Wales, the Duke of Bedford and the Marquis of Salisbury, and approved by the King.

1811. That licence has expired, and there is an end of that compact?—This Act of Parliament is perpetual, the 52 Geo. 3.

1812. According to that, you have your remedy in your own hands, as it only says you shall abstain from acting Italian operas?—I am very glad the suggestion comes from the Committee, because I am prepared to prove that had we not considered that Act as permanent, we should have let the theatre for 3,000 £. or 4,000 £. a year more, with the permission to perform Italian operas.

1813. If

Captain  
John Forbes.  
25 June 1832.

1813. If you had the power of performing Italian operas, you could let the theatre for 3,000*l.* or 4,000*l.* a year more?—That is so.

1814. Should you consider that an adequate compensation for the minor theatres being allowed to perform the legitimate drama?—Certainly not; that is a separate thing altogether; that would take out of our hands the means of performing the English drama.

1815. But if the Legislature give you the power of playing Italian operas, do you mean to say the minor theatres do you more damage than 3,000*l.* or 4,000*l.* a year?—Unquestionably more. I will prove by the books they do us damage to the extent of 20,000*l.* a year; I will not give it on my *ipse dixit*, but if the Committee think proper, I will attend with the books, and they are the best authority, for they were made up without the previous knowledge of this Committee.

1816. How do you calculate that?—By the receipts of the house.

1817. Suppose this evening the Coburg theatre was shut up, what difference would that make to Covent Garden?—It is a different thing to calculate that, because that is an individual case.

1818. Then how do you calculate the damage that has been done to Covent Garden by the minor theatres?—By the receipts of the house having fallen off so very much after the increase of these minor theatres. I think it was 1,200*l.* a day that was calculated to be given to the theatres by the public, and up to the time of the increase of these minor theatres, the receipts were 20,000*l.* a year more than they are at present.

1819. Do you suppose the minor theatres are necessarily the cause of that loss, because the loss has happened since?—I took the liberty of stating so on Friday.

1820. At the same time you stated the theatrical population had fallen off, without any reference whatever to the minor theatres, but in consequence of the late hours, the want of the patronage of the King, and so forth?—My answer is before the Committee in writing.

1821. Do the profits of the theatre depend very much on the concourse of strangers into London?—Yes, very much.

1822. Do strangers go to the minor theatres as generally as they go to the large theatres?—No doubt.

1823. Do you not consider that late hours, the want of the patronage of the King, certain religious feelings, and other circumstances, may have contributed to decrease the theatrical population for 20 or 30 years past?—I have stated that already in my evidence, but the principal reason is the increase of the minor theatres.

1824. That would be only auxiliary to other reasons?—It is not an auxiliary but a primary cause.

1825. Do you mean to say the minor theatres abstract 20,000*l.* a year from Covent Garden theatre?—I do.

1826. How do you set about proving that?—By the receipts of the house from the time of rebuilding up to the year 1820, and from 1820 up to the present time.

1827. Are there no other circumstances likely to operate upon the public?—I rate that one circumstance at 20,000*l.* a year.

1828. What proportion of that sum do you suppose is abstracted by the Coburg theatre?—I stated before that would be a very difficult thing to determine.

1829. If you put them together you can make out the items?—I very much doubt it.

1830. How do you calculate the whole?—I confess it would be somewhat objectionable the calculation; but you asked me the amount, and I answer to the best of my judgment and belief.

1831. What damage do you think the Adelphi does you?—The Adelphi does us a very material damage indeed.

1832. To what amount?—I should say the Adelphi alone must be at least 2,000*l.* a year.

1833. The Olympic?—The Olympic I am not quite so sure about; it is only open part of the year; the Adelphi you may say is open the whole year; perhaps it might be 700*l.* or 800*l.* a year.

1834. Do you not think the class of persons who attend the minor theatres is different from the class who attend the large theatres?—No, in the aggregate they are the same.

1835. Must not the difference of price, supposing the minor theatres did not exist at all, exclude from the large theatres a great number of persons who now

Captain  
John Forbes.

25 June 1832.

go to the minors?—The difference of price is not so material, because when those persons go to the patent theatres they pay pretty much the same as at the minors.

1836. How does that come to pass, when the price is 7s. to the boxes?—There is a great part of the public who can go to the gallery for 1s. and at half-price for 6d.; and therefore they can go for the same price to the patent theatres as to the minors.

1837. That is at half-price?—At whole price; for they can go for 1s. at whole price.

1838. But to a different part of the house from a part of the house to which they would go in the minor theatres?—Yes.

1839. For instance, instead of going to the boxes in the Adelphi, they go to the pit of Covent Garden theatre?—Just so.

1840. Can you inform the Committee what the annual receipts of Covent Garden theatre have been within the last three years?—In the last three years, 134,000*l.*

1841. What were they each year?—In the present season about 42,000*l.*; the last season was about 42,000*l.*; and the season before that was turning 50,000*l.*

1842. Were the preceding seasons more or less profitable?—They fluctuated very much; three or four seasons ago it was 70,000*l.*; another season, 55,000*l.*; and another, 63,000*l.*; they fluctuated very much.

1843. Have not the receipts been as high as 90,000*l.*?—Yes, higher.

1844. Were the minor theatres in as full operation as they are now?—No, not in any one instance.

1845. In point of fact, the receipts have never been so low as they have been during the last three years?—Never; by the increase of the minor theatres.

1846. But frequently fluctuating?—Yes, perhaps 10,000*l.* a year fluctuating.

1847. Perhaps you can give us in a paper of the annual receipts of the theatre since the rebuilding to the present time?—Certainly; the average amount of receipts from the rebuilding up to 1820, is 86,000*l.* a year.

1848. What the Committee wish to ascertain is the year of fluctuation, in order to see how the increase of minor theatres operated upon the receipts?—The Committee shall be furnished with the documents that show that.

1849. Do you think that the minor theatres within Westminster, or those out of Westminster, do you the most damage?—As to the number, I think pretty nearly equal.

1850. Which does you the most harm?—I think the Adelphi.

1851. The Adelphi does not play the legitimate drama?—I am rather of a different opinion.

1852. It is not licensed for it?—No, it is not.

1853. You think it is violating the law?—Certainly.

1854. Every night?—Certainly.

1855. Then why do you not prosecute it?—We have instituted prosecutions repeatedly. There was one action tried by the Chief Justice of the King's Bench, about six weeks or two months ago, and he directed the jury to give a verdict for us, because he said he was bound on his oath to administer the laws as he found them, and the jury had taken the same oath when they entered the box. He stated there was no question for the jury to determine, they were bound by their oaths to give us a verdict.

1856. The jury formed a different opinion from the judge?—They did not.

1857. They confirmed the judge's opinion by their verdict?—They did.

1858. What was that?—That each party should be amerced in the penalties that were sued for.

1859. Who had to pay them?—The defendants.

1860. Were the penalties paid?—There is the mischief; we lay out money to prosecute, and whom do we prosecute? Men of straw. Mr. Chapman failed; he was one of the parties; and where was our money? We laid out our good money seeking for bad, which we never got.

1861. Was Mr. Chapman the manager? How came he to be responsible for the whole of that money?—He was one of the parties we sued. There was another party at the Queen's Theatre, Mr. Macfarren.

1862. Mr. Chapman was not at the Adelphi?—No, it was the City Theatre he was sued upon.

1863. Why have you never sued the Adelphi?—As I stated before, we sued different parties; and after two years elapsed we got a verdict, but they are men of straw, and we get nothing.

1864. They

1864. They are not men of straw at the Adelphi. You seem to select, as subjects for prosecution, persons from whom you could not by any possibility recover any penalty; why have not you taken Mr. Yates or Mr. Mathews?—I have already stated the amount of money required would be more than we possess.

1865. Why do you not proceed by a warrant before a magistrate?—We did proceed by a warrant before a magistrate, and I regret to say (if it is necessary, I will prove it by the evidence of the nobleman who is present) the magistrates stated they would not convict for the patent theatres, but they would if the Lord Chamberlain proceeded. These are magistrates upon their oaths, as well as the Chief Justice.

1866. If these minor theatres injured you to the amount of 20,000 *l.*, was it not worth your while to institute prosecution after prosecution till you put a stop to them?—We get a verdict after a lapse of two years, when the mischief is done, and the parties are gone; the birds are flown, for they are merely birds of passage.

1867. It seems to be perfectly clear that the present state of the law is far from satisfactory to all parties?—I do not consider the present state of the law is unsatisfactory, but the present administration of it is far from creditable to those whose duty it is to administer it.

1868. Who are the parties?—The evidence I adduce will state the name of those parties.

1869. Will you state them now?—I have only stated what has fallen from another party; the nobleman is in the room, and that nobleman I am sure will not shrink from confirming what I have stated.

1870. The Committee wish to know if you allude to the magistrates or to the Lord Chamberlain's office?—It is the magistrates I am speaking of. It cost at least 400 *l.* to recover the two penalties of 50 *l.* each, and two years elapsed before the verdict was given. We went before the magistrates, because the parties had no licence, and the magistrates put us to prove that they had not. The Chief Justice said, "I am bound to administer the law as I find it, and upon the 10 Geo. 2, c. 28, they are liable to a penalty of 50 *l.* if they act without a licence." The fourth clause is, "And be it enacted by the authority aforesaid, that from and after the said 24th day of June 1737, it shall and may be lawful to and for the said Lord Chamberlain for the time being, from time to time, and when and as often as he shall think fit, to prohibit the acting, performing or representing any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any prologue or epilogue; and in case any person or persons shall, for hire, gain or reward, act, perform or represent, or cause to be acted, performed or represented, any new interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any new prologue or epilogue, before a copy thereof shall be sent as aforesaid, with such account as aforesaid, or shall for hire, gain or reward, act, perform or represent, or cause to be acted, performed or represented, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any act, scene, or part thereof, or any prologue or epilogue, contrary to such prohibition as aforesaid, every person so offending shall for every such offence forfeit the sum of 50 *l.*, and every grant, licence and authority (in case there be any such) by or under which the said masters or manager or managers set up, formed or continued such playhouse, or such company of actors, shall cease, determine and become absolutely void to all intents and purposes whatsoever."

1871. That relates to the censorship, and as long as the theatre complies with that part of the clause, which says the piece shall be sent in 14 days before representation, that is sufficient?—It says they shall not act.

1872. That has nothing to do with your patent rights?—Our patent rights are acknowledged in this Act.

1873. Is that penalty recoverable by an action, or before the magistrates?—Both.

1874. Then why have not you proceeded before the magistrates?—I stated before, we did proceed, and we had counsel there, Mr. Adolphus; we proved the acting, and the magistrates put it upon us to prove they had no licence from the Lord Chamberlain. The Chief Justice of the King's Bench scouted such an idea, and said he was bound by his oath to administer the law.

1875. If the magistrates did not proceed according to law, why did you not proceed against the magistrates?—I stated before, that money will not buy these things.

679.



Captain  
*John Forbes.*

25 June 1832.

1876. It appears, then, the law is strong enough to enforce these claims, but you cannot put it into execution?—If magistrates who take an oath to do their duty will not do it, I cannot help it.

1877. Who was the sitting magistrate?—Sir Richard Birnie and Mr. Halls.

1878. Could not you try it before other magistrates?—It is in the district in which it must be taken.

1879. Did the magistrates hear witnesses on both sides?—Yes.

1880. And they decided the onus of proof lay upon you, to show they had no licence?—Yes; and the Lord Chief Justice said they were bound to prove they had a licence.

1881. Did you not make any complaint of the magistrates at that time?—I do not believe there was a complaint; for these things are so numerous, that we should have nothing to do but complain from morning till night.

1882. Did you not complain of the magistrates?—I gave it as my humble opinion we ought; and I thought we ought to have got a mandamus from the King's Bench to compel them to do their duty, but I was overruled.

1883. If you thought they neglected their duty, it was your duty not to leave it where it was?—That was my opinion.

1884. Covent Garden theatre seems to have been very ill-used by the Lord Chamberlain, by the magistrates, and by the minor theatres; what course would you recommend to remedy that evil?—That the magistrates should do their duty.

1885. What would be the result of that?—That our rights and interests would be maintained. If the Committee will allow me to go on, I will show the various Acts of Parliament which enjoin them to protect us; also the decision of the King and Council in 1816, which I will read; 10 Geo. 2, c. 28; 25 Geo. 2, c. 36; 28 Geo. 3; 50 Geo. 3, c. 214; 52 Geo. 3, c. 19; 1 Geo. 4, c. 9.

1886. If the magistrates were to do their duty, at least in your opinion, the minor theatres would be confined to dancing and singing?—No question about it.

1887. That you would not object to?—No, I do not object to the law as it is.

1888. Do you object to burlettas?—What they are licensed for we do not object to.

1889. They are licensed for the performance of burlettas?—They are so.

1890. What do you conceive is a burletta?—A musical piece.

1891. Then anything that has a song in it is a burletta?—By no means; that is an evasion of the law.

1892. It is a musical piece?—It is termed so; but it is improperly termed so.

1893. In your opinion?—I have had the best opinions the country affords upon that subject.

1894. What is the best opinion?—That a burletta is exclusively a musical piece, not a piece with one or two songs put into it.

1895. What Italian word does it come from?—I believe you will find that in Barretti's dictionary.

1896. What do you consider the best authority in the country, from whom you derive your information?—Parties whose education has made them acquainted with the law.

1897. Who are they?—Barristers.

1898. You say you have derived it from the best authority that exists in the country?—I said so.

1899. Can you name any individual?—In conversations I have referred the question to different barristers, and they told me there could not be a dispute upon the subject.

1900. According to your own expression just now, a burletta would mean a laughable thing?—It is the same thing; a joking, laughing, musical thing.

1901. It has nothing to do with music, has it?—I believe it is a usual word in Italy.

1902. Your opinion is that a burletta means a dramatic piece, in which the whole is song or recitative?—Just so.

1903. Suppose the minor theatres were only allowed to perform musical pieces, yet if they continued to draw as good houses as they draw now, or as they would draw by the performance of the legitimate drama, you would suffer as much as you suffer now?—That is a suppositious case, but the fact proves otherwise. When they performed according to their licences, they did not deprive us; they do now. We merely go by practice.

1904. What houses did they draw then?—I never had any means of knowing what houses they drew.

1905. You



Captain  
John Forbes.

25 June 1832.

1905. You never happened to hear?—No.

1906. Have they trespassed in point of time as well as in pieces they represent?—I do not know.

1907. Do they act longer than they are licensed for?—Their licence, I believe, is for a year, but I am not certain.

1908. They do not act throughout the year?—I do not know the time they act; the licence is annual.

1909. The Act of the 52 Geo. 3, to which you refer, is merely an Act for incorporating the proprietors of Drury Lane, and enabling them to sell their shares?—It enables them to purchase the patent first of all.

1910. It does not give them any exclusive rights, but enables them to sell their shares?—The patent gives them those rights.

1911. The arrangement to which you are referring of the Opera-house was in 1792?—Yes.

1912. Are you not of opinion that the great increase of the metropolis since the year 1792 might make it extremely necessary for the public that a greater latitude in the number of theatres should be allowed than was allowed at that time?—If it is allowed, it is allowed at our expense.

1913. Do you mean to say, that although the metropolis is doubled in size, it should never be provided with more theatres?—I am very far from saying that; but ours is a grant from the Crown, recognised by various Acts of Parliament, and any infringement of that grant is an infringement of our rights.

1914. Will it be reasonable that your patent should continue uninterrupted, contrary to the interests of the public, having no reference to the increase of the metropolis?—I stated before, when a man wants the property of the Duke of Bedford, which is also a royal grant, he goes and pays for it.

1915. What further do you wish to state?—I have read the opinion of Mr. Hargrave, which I will hand in.

1916. Have you any other paper which you wish to give in?—There are Sir Arthur Piggott's, Mr. William Adams', Mr. Richards' and Mr. Const's joint opinions. They say: "As the Lord Chamberlain is the servant of the Crown, and although the exceptions in the Act of 10 Geo. 2, c. 28, and 25 Geo. 2, c. 36, recognise the licences by the Lord Chamberlain as legal protections for persons to whom they are granted to perform plays, &c.; yet there is no Act of Parliament by which his power is expressly granted, or the extent of his power is defined, nor anything from which it can be collected at what time it was first exercised, although the 5th section of 10 Geo. 2, c. 28, by restricting the power of the Lord Chamberlain for the time being to the city of Westminster, and to such places in which the King shall reside, and the 4th section of 25 Geo. 2, c. 36, which distinctly recognises the licences granted by the Lord Chamberlain as distinct from licences of the Crown, certainly have the effect of protecting the persons who act under such licences in those places from all the penalties of those Acts; but as there is no specific power conferred by either of those Acts, it may certainly be considered as not being any part of the subject intended to be restricted, but that the power and authority (if any) remained as it was before. It therefore becomes material to inquire how long such power has been exercised, and to what extent it has been exerted; for viewing it originally as a branch of the prerogative, the Crown, by the grant of these patents, seems to have conferred a privilege which cannot be broken in upon by any inferior authority, nor does such a conclusion appear at all unreasonable, for it is not more than is universally acknowledged, and has been established in the case of the patents to the Universities, &c. &c., to permit them only to print certain books; and although the subjects differ, the analogy as to the monopoly seems very strong; and as on the faith of it such heavy sums of money have been advanced, the proprietors appear to have a strong claim to the protection of the Lord Chamberlain in the enjoyment of their undisputed patent rights. As to the third query, we are decidedly of opinion that the licences granted by the magistrates in session under 25 Geo. 2, do not authorize the parties to perform plays, nor any other of the entertainments of the stage described in the former Acts, but were intended only for those places which were kept for public dancing, music, or other public entertainments of the like kind, and were never held to warrant the persons to whom they were granted to exhibit entertainments of the stage for hire or reward; and burlettas and pantomimes, consisting of plot and acted by the *dramatis personæ* in character, must be deemed to be entertainments of the stage, and are not in our opinion the species of music and dancing meant by the Act to

Captain  
John Forbes.

25 June 1832.

be licensed by the magistrates." I will also beg to state to the Committee, upon the subject of seeing and hearing in the patent theatres, that I have sat in the centre of the dress circle and distinctly heard every whisper in the part of Juliet; I have also sat in the back of the one shilling gallery and I have heard the same.

1917. Do you mean a stage whisper?—All the whispers in the acting of Juliet; I have distinctly heard them in the back of the shilling gallery. I have tried also in the Lord Chamberlain's box, which is immediately joining the stage, and I could not hear them there.

1918. The shilling gallery then is a better situation than the Lord Chamberlain's box?—The back of the dress circle is the best place in the house to hear, with the exception of the shilling gallery.

1919. Can you see the play of the countenance as well in the shilling gallery?—Yes; to make a little of a pun of it, I have a *keen* eye.

1920. Mr. Kean says he can see as well at the back of the shilling gallery as from the private boxes?—I can see it from a considerable distance; it is frequently an advantage to see an actor at a distance, particularly when an elderly person enacts the part of a young one, which frequently occurs. The next document I beg to submit to the notice of the Committee is as to the opinion of the public with regard to the size of the theatres. When Covent Garden was burnt down, the company, consisting of J. Kemble, C. Kemble, Cooke, Lewis, Incledon, Munden, Fawcett, Young, Jones, Blanchard, Emery, Liston, Mrs. Siddons, Mrs. Dickons, Mrs. C. Kemble, Mrs. H. Johnstone, Mrs. Gibbs and Mrs. Davenport, (the best company perhaps the theatre ever had) performed in the great theatre at the Opera-house, and the receipts averaged 338*l.* 11*s.* each night, the last week before they went to perform at the small theatre of the Haymarket; the same company performed in the small theatre in the Haymarket, and the receipts averaged 153*l.* 9*s.* 7*d.* nightly.

1921. How much will the Haymarket hold?—Between 300*l.* and 400*l.*

1922. How much will Covent Garden hold?—I believe about 600*l.*

1923. Not more?—We have had a great deal more on nights of excitement; the people went into the lobbies, and merely went because they should say they had been there.

1924. It would not hold 700*l.*?—I am not sure that it would fairly hold 700*l.*; but thus it will appear to the Committee, that in the large theatre the receipts were more than double the receipts in the small theatre with the same company in the following week; that was in the year 1808.

1925. What was the piece that was performed?—The Exile was the first piece for five nights, with the afterpieces of Tom Thumb, the Review, the Portrait of Cervantes, Who Wins, and the Poor Soldier; then follows Macbeth and the Forest of Hermanstadt; the receipts that night were 416*l.* 19*s.*

1926. When Macbeth was played at the small theatre, what were the receipts?—*£.* 267. 16*s.*

1927. What was the afterpiece when Macbeth was performed?—The Forest of Hermanstadt at one, and the Portrait of Cervantes at the other.

1928. Perhaps it might have been the Forest of Hermanstadt that drew the 460*l.*?—No, we attributed it to Macbeth; for we altered it principally for our own benefit: if the Forest of Hermanstadt had produced more than the Portrait of Cervantes it would not have been altered.

1929. You played the Forest of Hermanstadt to Macbeth at the Opera-house, and the Portrait of Cervantes at the Haymarket; did not the Forest of Hermanstadt draw as well as Macbeth?—No; we ascertained that by the money we received at half-price.

1930. What did you receive?—The half-price did not satisfy the theatre, in consequence of which it was altered.

1931. There is no half-price at the Haymarket?—There was when our company was there.

1932. What was the amount of half-price that night?—That is not extracted here; the reason was, that we wished to put the Committee in possession of every information as shortly as possible, without inveigling them in figures.

1933. Do you suppose it was 200*l.*?—No, never above 60*l.* This was drawn up as much as possible against the interests of the theatre, because we wanted to show the Committee what was done one week at a large theatre, and what was done in the following week at a small theatre. These dates are November and December; but when I refer back to September and October, I find Macbeth and

Raising

Raising the Wind, 545*l.* 7*s.* at the great theatre in the Haymarket. So much for the comparative receipts of a large theatre and a small theatre, with the same company.

1934. What was the greatest receipt at the Haymarket?—£.267. 16*s.* 6*d.*

1935. Then the piece had been previously acted at Covent Garden?—One week only had elapsed between the two actings.

1936. Some of the novelty was gone off?—It had been repeatedly acted, but it was only the want of what we conceive the public demand, which is a large theatre. I have further evidence, to which I will draw the attention of the Committee. When Covent Garden theatre met with an accident by fire on the 17th November 1828, the company continued their performances in the English Opera-house. These accounts are not in our writing, but in the writing of the clerk in Mr. Arnold's theatre, which was afterwards burnt down. The first performance is Richard the Third and Charles the Second; and the receipts amounted to 145*l.* 0*s.* 6*d.*; that was on the 17th November.

1937. What would the Lyceum hold?—£.300. Then on the 13th October, before the accident occurred, with the same play similarly acted at Covent Garden, with Raymond and Agnes, the receipts were 350*l.* 13*s.*

1938. That is half the receipt of Covent Garden at the Lyceum?—Yes; there was every auxiliary alike in the two theatres. In the next page there is *As you Like it*, *Bombastes Furioso*, and *Rosina*, 88*l.* 6*s.* 8*d.*, at the Lyceum; October 1st, at Covent Garden, *As you Like it*, with Peter Wilkins, 179*l.* 5*s.*; the next is the *Merchant of Venice*, and the *Barber of Seville*, 192*l.* 13*s.*, at the Lyceum; October 16th, at Covent Garden, the same play was acted, with the Carron Side, and the receipts were 248*l.* 3*s.* 6*d.*

1939. If that is the case in a small theatre, why are you so alarmed at the legitimate drama being performed at the minors?—Because they already abstract from the value of my property to the amount of 20,000*l.* a year.

1940. Do you conceive, under the patents of the two theatres, the Crown has not the power of granting another patent?—We never question the rights of the Crown. I stated on Friday what Lord Thurlow said on this subject: "it is unquestionable that the Crown has the right to grant other patents, but would the Crown do so?" would it not be the grossest act of injustice? The next is the *Belle's Stratagem*, with the *Deserter of Naples*, 74*l.* 13*s.* 6*d.* at the Lyceum; October the 7th, the same play, with the *Barber of Seville*, 112*l.* 9*s.* at Covent Garden.—[*Here the reading was stopped. The sequel shows a similar diminution of receipts in the Lyceum as compared with those of Covent Garden. The account was handed to the Chairman.*]

1941. Do you think the minor theatres do Drury Lane equal damage, to the amount of 20,000*l.* a year?—Yes.

1942. That is 40,000*l.* a year?—Yes.

1943. What damage do you suppose the Italian Opera does you?—Whilst the minor theatres were kept in their proper places we did not complain of the Italian Opera in any shape; besides, I consider we had no right to complain; we had made our bargain, and by that bargain we were bound to abide.

1944. Do you include in that 20,000*l.* the damage done to each of the large theatres by the theatres out of Westminster?—I do.

1945. How far out of town do you go?—Our patent goes 25 miles from Westminster, with the exception of royal residences.

1946. How far does the damage reach?—There are no theatres that I know of at any distance.

1947. There is a theatre at Richmond?—The Crown has an undoubted prerogative to grant a patent at Richmond, it is a royal residence.

1948. Does that do any damage?—No; and if it did, we could not help ourselves. The patent theatres and the minors are confounded, because the Coburg and the Surrey are very nearly as large as Covent Garden or Drury Lane. Mr. Davidge stated that the stage at the Coburg was 40 feet wide; he said it was as large as Drury Lane.

1949. It holds more people?—Yes, and therefore it is a misnomer to call it a minor theatre; it is to all intents and purposes a major. The next point I beg to draw your attention to, is what has been the immediate cause of appointing this Committee, namely, the rewards given to authors. I will state the remuneration which has been obtained. I have a document which proves that for the last ten years the two patent theatres have paid to authors 1,500*l.* a year each, that is together 3,000*l.* a year.

Captain  
John Forbes.

25 June 1832.

1950. You have paid authors 3,000*l.* a year?—At Drury Lane and Covent Garden.

1951. What have you paid this year?—£.1,750, and Drury Lane nearly the same. I wish to get rid of the notion of there being any want of encouragement to authors on the part of the theatres.

1952. In the number of authors, do you include musical composers?—No, they do not receive anything but the copyright. Musical composers are generally desirous of writing music for the stage. Sometimes it is otherwise; for instance, for the authorship of *Oberon* we gave 400*l.* to Mr. Planche, who undertook to produce the manuscript, and we gave 500*l.* to Weber for the music. I trust the Committee will think there is no want of encouragement to authors.

1953. What did you give Mr. Sheridan Knowles for the *Hunchback*?—It is included in the sum of 1,750*l.* for authors last season.

1954. Is it the practice, if there be no specific contract between the author and the theatre, to give 100*l.* the third night, 100*l.* the sixth night, 100*l.* the ninth, and 100*l.* the fortieth night?—Yes; but there are very few pieces will go 40 nights. They are always very liberally dealt with.

1955. That is the rule, but there are special contracts made with authors?—There are special contracts. With reference to this subject, I beg to state what remuneration authors receive at the minor theatres. The City Theatre agreed for four pieces at 10*l.* each, and they were produced, but they were never paid for, because Mr. Chapman failed. The maximum given by the Coburg Theatre, as was stated to this Committee by Mr. Davidge, is 50*l.*; our maximum is 900*l.*

1956. For what piece?—*Oberon*.

1957. You never gave that for a tragedy or comedy?—We have given 500*l.* for a tragedy or comedy.

1958. That is rather more than half what you gave for *Oberon*?—Yes, we gave 400*l.* for the manuscript and 500*l.* for the music.

1959. Did that include the copyright?—I understand that did include the copyright of *Oberon*, because having laid out so large a sum of money as that, we wished to secure it. In general it is part of the profits of the authors, who publish their works in any shape they please. We sometimes make contracts for the copyright.

1960. *Oberon* is the exclusive property of Covent Garden?—Yes, I understand so. At the Queen's Theatre, Mr. Macfarren failed, and he played every thing. Rayner, in the Strand Theatre, likewise failed under circumstances of excitement; placarding the oppression of the patent theatres, and performing the regular drama. These are all within a few weeks.

1961. What is your average remuneration for a three-act piece, a translation from the French, with music?—It depends entirely on the merits of it.

1962. What is the average?—From 200*l.* to 400*l.*

1963. Mr. Peake is a very successful play-writer; do you imagine Mr. Peake has made much by his works?—Yes.

1964. When you pay for the music, is not the bargain usually so much a night?—It is just as they choose to make the contract; we are not tenacious upon that subject; we would rather pay by the night.

1965. Is it not generally so much for nine nights for a piece?—Yes; we would rather abide by that practice, because then they take all the risk; but when people follow a trade, they get as well acquainted with it as their neighbours with whom they compete.

1966. But the bargain generally is so much for nine nights, and so much more if it exceeds the 20th night?—Yes.

1967. Has it not been a very common practice to stop on the 19th night?—No. I am probably speaking before authors, and I am therefore on my trial. If they think there has been any act of illiberality, I am willing they should come forward and state it.

1968. That is not the case?—No.

1969. What is the most you gave for any composition by Mr. Peake?—I think 200*l.* was the most that ever was given; that was for the *Chancery Suit*, and it was only acted a few nights. I now hold in my hand a volume of Mr. Moore's *Life of Lord Byron*, from which I will read a passage with reference to authors:

“When I belonged to Drury Lane Committee, and was one of the Sub-committee of Management, the number of plays upon the shelves were about *five* hundred. Conceiving that amongst these there must be *some* of merit, in person and by proxy  
I caused

Captain  
*John Forbes.*

25 June 1832.

I caused an investigation. I do not think that of those which I saw there was one that could be conscientiously tolerated."—*Moore's Life of Lord Byron*, vol. iii. p. 183.

1970. There was no money paid for those?—As much as they were worth.

1971. There was no money paid, and therefore there was no loss to the theatres?—I state this to show there has been no want of encouragement to authors.

1972. Who is the person that decides upon the merits of plays at Covent Garden theatre?—Sometimes one and sometimes another. On one occasion, I will take the liberty of stating, there was a play of a man we wished to please, and I put it into Mr. Fawcett's hands. I had not read it, but I was obliged to decide myself whether the play should be produced or not, as we were anxious it should, and after Mr. Fawcett had read it, he came to me and said, "Bring this out? Why, it is no more like a play than it is like a leg of mutton!"

1973. As you have the monopoly of performing the legitimate drama, will you give a list of the tragedies and comedies, or legitimate dramas, you have produced at your theatre?—For one season, or for a number of years?

1974. For the last ten years.—That can be done, but I am not in possession of such a list at present.

1975. Was not *Clari* first brought out at your theatre?—Yes.

1976. What did you give for that?—£. 100.

1977. Has any new piece of yours you produced run so long as that?—No, I believe not.

1978. When you have bought the copyright of new plays, do you not sometimes make a bargain with the other theatres to allow them to perform them occasionally?—No, I believe very rarely; I do not know an instance.

1979. Does not the production of a new play depend very much on its being agreeable to particular actors?—I am very glad that suggestion has come from the Committee, because I will state some particulars as to that. The greatest pains are taken in every possible way to obtain the best plays; they are read attentively, and the party will not trust his own judgment; but unless it is exceedingly good, he submits it to a second, and sometimes a third party; and the play is then read in the green-room.

1980. That is when it is accepted?—Yes.

1981. But before a play is accepted, must it not, generally speaking, go through the ordeal of the approbation of the leading actor or actors of the theatre?—No. Sometimes we find, on reading the play over, that they will not act their parts; but in reply to that question, I beg to state, that after a play has been read in the green-room, I have seen the performers delighted with their parts, and I have seen that go on until the day of the night of representation; and then I was more nervous than when every one of them hated it, because three times out of four when they are delighted with their parts, the play does not succeed; and I have seen when they were of a contrary opinion, it has succeeded. You see this is what the theatres are subject to. We cannot bring out a piece under 200 *l.* generally, and some pieces cost us 2,000 *l.* You see what risks we run, and often our sole hopes are blasted in an instant.

1982. How do you account for the performers being so deceived?—You cannot account for it; it is the most capricious thing in the universe.

1983. You stated a new play is immediately read; is that the fact?—It is sometimes immediately read.

1984. Do you not know that *Tobin's Honey Moon* remained 16 years without being read?—I do not know the fact; it was before my time; we frequently have only the first act of plays, and we are anxiously waiting for the second and third.

1985. That is, if you know the author; if you know by experience the author is likely to succeed?—Yes.

1986. But if the author is not known, and if the play is sent in without some special recommendation, you do not mean to say it is immediately read?—No; but I have read what Lord Byron says upon the subject with reference to Drury Lane.

1987. There probably would not have been 500 plays on the shelf if they had been read?—That is the account of Lord Byron I have read.

1988. Have any of them been played since?—I do not know; I stated that on the subject of the inferred want of encouragement to authors.

1989. What other information do you wish to give?—I beg to state, that in the time of Buonaparte, 36 theatres were open in Paris, and the proprietors were



Captain  
John Forbes.

25 June 1832.

ruined, and neither authors nor performers were paid. He restricted the number to eight, and limited the performances. With reference to the weekly remuneration to performers, the books will afford abundant information, if the Committee wish they should be produced. This is a document which may be sworn to, if required, and it will show the weekly expense with regard to performers. At the latter part of the season, which is much the least expensive part, the most expensive being at Christmas, the six nights' salary amounts to 786 *l.* 10 *s.* 6 *d.*

1990. For how many performers?—That is a difficult question to answer.

1991. That does not include the supernumeraries?—No, the expense of supernumeraries is 385 *l.* 13 *s.* 10 *d.* It is sometimes above 500 *l.*

1992. What are those expenses for?—The last is the weekly expense for attendants, carpenters, scene-shifters, painters; in fact, for the whole arrangement of the theatre.

1993. How many persons are dependent on Covent Garden theatre?—I should think certainly 2,000.

1994. Directly and indirectly?—The number constantly employed is about 1,000; at particular periods the theatre is full of people.

1995. You have no idea how many people are employed upon an average, directly and indirectly?—No.

1996. Do you mean to say your expense averages more than 1,000 *l.* a week?—Yes, between 1,100 *l.* and 1,300 *l.* These are expenses that are paid every Saturday morning.

1997. What are called the current expenses?—Yes, besides tradesmen, taxes, rent, and remuneration to authors.

1998. Have you any objection to give that account in?—None whatever. [*It was handed to the Chairman.*] Covent Garden Theatre cannot be conducted for so small a sum as 50,000 *l.* a year.

1999. And your receipts last year were 42,000 *l.*?—Yes; in consequence of these minor theatres, there was a very serious loss last year of 8,000 *l.* and upwards; I believe about 10,000 *l.*

2000. Then how came it Mr. Laporte was so ready to take the theatre?—That is not my business; he is the party responsible for his acts.

2001. He has just taken it, you say, for seven years?—Yes.

2002. In the face of these tremendous losses?—Yes, and not only that, but these losses were not cloaked from Mr. Laporte; I showed him the receipts of the house from 1820 to 1832.

2003. Do you think political excitement affects the interests of the theatres?—No doubt of it.

2004. Have you ever heard that in the year 1819, when the Manchester meetings took place, the theatres were greatly injured?—No doubt of it; and when a general election is going on, that is one of the most destructive things that can be.

2005. You have attributed the decline of Covent Garden and Drury Lane almost exclusively, at least you said primarily, to the minor theatres?—I was taking the average of the receipts from the rebuilding.

2006. Did you not say the minor theatres were not only an auxiliary, but a primary cause of the decline?—I did.

2007. Now, do you not consider political excitement one of the primary causes?—It has acted in this ratio; from the rise of these theatres we have lost 20,000 *l.* a year in this way; we do not obtain it; but since this political excitement has taken place, it has been a great loss to us of 8,000 *l.* or 10,000 *l.* a year.

2008. You have received so much less since those things have taken place; but can you decidedly say these things were the causes of that, because many things happen after other things, which are not caused by them?—I have stated that to the best of my judgment and belief, and not only that, but I confirm it upon oath.

2009. We may have a bad harvest this year after the Reform Bill has passed, but can we say it is caused by the Reform Bill?—I merely state facts; the loss has been 20,000 *l.* a year, since 1820; since the minor theatres have grown up into existence.

2010. But precedence does not prove a cause?—No; but this is not only precedence, but succedence.

2011. Do you not think the passion for theatrical amusements is on the decline?—I do.

2012. Do



Captain  
John Forbes.

25 June 1832.

2012. Do you not think that is another cause?—I stated that in my evidence on Friday.

2013. Have you heard that the copyright of a very successful play fetches by no means so large a sum now as it would 30 years ago?—No doubt of it. The taste for the legitimate drama is depraved by inferior representations in the minor theatres.

2014. Does not that arise from a diminution in the public taste for theatrical literature?—It is very probable.

2015. You say Mr. Laporte pays between 10,000 *l.* and 11,000 *l.* a year; how much of that sum will he receive back by letting the different houses about the theatre, the refreshment room?—That is 500 *l.* a year.

2016. Is that what you call the saloon?—Yes; but we include all that in the receipts of the theatre, and I stated every item with the expenditure.

2017. Does the box-keeper pay any footing upon coming in?—Not one farthing; I cut away every perquisite in my power, and made the thing as honest and as honourable as could possibly be. I have done every thing to accommodate the public, and I am glad the question was put that I might state that.

2018. £. 500. a year is all that is paid within the walls of the theatre?—There is 50 *l.* a year for the rent of a house, and 300 *l.* a year for the Piazza Coffee-house. He has all that.

2019. Why does the Piazza Coffee-house pay you 300 *l.* a year?—It is a part of our property.

2020. What is the other house?—It is a house belonging to the theatre, and Mr. Laporte contracted to get all the property.

2021. What description of house is that?—It is where Saul the carpenter lives. It is up the passage in Princes-place, next the box-office.

2022. That is where Saul the carpenter resides?—It is where he resides, and where any one else may reside, for he lets it out in lodgings.

2023. It does not come under the denomination of a house of ill fame?—It does not; and if it had any such appellation attached to it, it would have been removed.

2024. Are neither of the proprietors of the large theatres owners of houses of that description?—I do not know; in Covent Garden theatre we are not; we are as ready to answer to our characters as any men.

2025. Do you wish to state anything further?—If you take the average expenditure of the public in theatres, including the minors, you will find it is about the same as when they did not exist to the extent they now do. I will not trouble the Committee with any further evidence, but I will hand in the documents, and in doing so, I trust the compact will be clearly understood; that the interests being the personal interests of myself and my property, it will be made a subject of consideration.

2026. With respect to the encouragement of authors, was not Mr. Kenney the author of *Massaniello*?—That was at Drury Lane; Mr. Dunn is here, who will be very ready to answer that.

2027. Was not Mr. Kenney the author of the *Irish Ambassador*?—Yes, he was.

2028. Has Mr. Kenney been paid for that?—I believe not entirely.

2029. Is not he a creditor of Covent Garden?—Yes; the receipts of the theatre have been so extremely low from the circumstances I stated, that it has not been in our power to pay more.

2030. Do you know the fact that he has not been paid?—The treasurer informs me that he has not been paid, and I believe that is so. He has been paid a part, not the whole.

2031. How many nights has it been performed?—Thirty nights.

2032. Can you state how much he has been paid?—I can tell you what Mr. Kenney's agreement was.

2033. Has that agreement been fulfilled?—In part it has. I have stated the receipts of Covent Garden theatre have been so low, there being nearly 10,000 *l.* lost this season, that it is but reasonable to conclude it was not in the power of the proprietors to pay more.

2034. Have you paid the salaries of the performers, and not paid authors?—We have.

2035. Should you not consider that a hardship?—I should. It is a hardship we should have remedied if we had had it in our power.

2036. You say the authors have no reason to complain?—Of that isolated case they have. I do not know what the sum due to Mr. Kenney is, but I believe the sum due to authors is a trifle.

2037. Have

Captain  
John Forbes.

25 June 1832.

2037. Have the performers been paid?—Not regularly.

2038. Are they paid up to this time?—Yes.

2039. Has not the Irish Ambassador been a successful piece?—It was, but it has not been attractive; it was a successful piece, but it has not been well paid for by the public.

[*Mr. J. P. Collier handed in the following statement, which was read by the Chairman:*]

“ Captain Forbes having stated in his evidence that the proceeding against the proprietors of the Strand Theatre had been abandoned, it is necessary to mention in behalf of the office of the Lord Chamberlain, that the suit has not been relinquished, but that, in consequence of unavoidable legal delays, the trial has been postponed until Michaelmas term. That proceeding was instituted in vindication of the authority of the Lord Chamberlain, because the Strand Theatre is within his Lordship’s official jurisdiction. With regard to playhouses beyond that jurisdiction, the parties interested in the patent theatres have been left to the remedy given to them by the statute of 10 Geo. 2, c. 28.”

Mr. Thomas James Serle, called in; and Examined.

Mr. T. J. Serle.

2040. I THINK you are the author of the Merchant of London?—I am.

2041. Is that piece performing at this time?—No, Drury Lane is closed.

2042. It was performed until the close?—Very nearly; until the benefit and ticket nights.

2043. How many nights?—Nine.

2044. What profit did you expect to get for it?—Ninety pounds for the nights performed; had it been played 15, I should have had 150 *l*.

2045. Was that one of the most successful plays that has been performed at that theatre?—It was considered successful in its performance, but I believe, to speak candidly, it did not bring them money.

2046. Have you ever written anything else?—Nothing but occasional translations, in which I used myself to play when I considered the character such as would fit me as an actor, at the minor theatres.

2047. You have acted at the large theatres as well as the minors?—I have.

2048. Did you perceive there was any difference in the efficiency of your acting at the large and small theatres?—Decidedly; I consider it perfectly impossible, except with a particular frame of body, to render acting at all effective in a theatre so large as Covent Garden. If I might venture to enlarge upon the point, I should say, in every other art a man may choose his materials, to make them colossal or not, but as we have only our natural physical powers to act with, such as they are given to us, we cannot so extend them as to fit our powers to the size of any theatre.

2049. Then you think an actor in a large theatre may owe his success not to skill but physical organization?—There must be a combination of both.

2050. But a man may be a very successful actor in a small theatre, who would not be able to show his talent in a large theatre?—I am certain of it.

2051. Do you mean the average run of actors would not be able to fill a large theatre?—I think the average run of physical power would not be sufficient to fill a large theatre.

2052. I believe you have paid considerable attention to the question which occupies this Committee, and you have written upon the subject?—I have, in the Monthly Magazine.

2053. Have you any property in either of the small theatres?—Not the slightest of any kind.

2054. What would be the consequence of breaking up the monopoly of the patent theatres?—I think the effect of absolutely destroying the monopoly, as a monopoly, would be beneficial, but still some limitation would be necessary; because I think as acting, or rather as the composition of companies, must be a matter of considerable management and complication, to throw the trade absolutely open would be perhaps to disperse those means too much which are necessary to produce complete effect.

2055. In what manner could the monopoly be limited?—I think the principle of monopoly should, for the sake of the art, be entirely destroyed, by placing it in the power of the public to say, wherever they felt the necessity of a theatre, wherever they felt they were not adequately entertained, they might call for a new one.

2056. Then

Mr T. J. Serle.

25 June 1832.

2056. Then you would leave it to the majority of the inhabitants of a particular parish to sign a requisition to the magistrates?—I would; if not a majority, a portion.

2057. And to make it compulsory on the magistrates to licence it?—Yes; to take care the theatre should be large enough for its purpose, and should involve a sufficient outlay of capital to make the manager responsible for the style of entertainment.

2058. Now I ask you as an author, and as a man well read in dramatic history, what the effect of that would be upon authors?—I am certain it would be beneficial; I do not think they would be rewarded possibly to the same extent for great instances of exertion as they are now, and I am sure they would not lose so much time in getting their plays performed; that they would be enabled to have, what they ought to have, more of the control of the stage, and instead of writing for certain actors, the author would not have to go to the actor, but the actor would have to come to him.

2059. Then you consider the general practice is for a successful author to adapt his composition to the talent of a particular actor?—No, because those authors who write the best do not condescend to do it; but they are obliged to consider the interests of actors, and frequently postpone their plays in consequence. I have by me a letter from Mr. Bartley, which I will place before the Committee, in which a play of mine is said to be fit for Covent Garden theatre, but postponed, because it would not be fit to be Miss Kemble's second original part.

2060. What should you say the size of a theatre should be at the least?—I can give perhaps no better idea than the Coburg or the Surrey, or the late English Opera-house, with some alteration of construction.

2061. Is the Théâtre Français as large as Covent Garden?—I have not been in Paris.

2062. Are you aware that the stage of the Coburg theatre is as large as that of Drury Lane?—I rather think that must be an error. I have walked the stage of Drury Lane and the stage of the Coburg, and I believe the depth may be as great, but the width certainly is not.

2063. The manager gave that in evidence?—He gave, I believe, the admeasurement of the Coburg theatre, but I do not believe he gave the actual admeasurement of Drury Lane.

2064. I understand you consider the opening of the monopoly, with the limitation you have mentioned, would be beneficial to the actors?—It would.

2065. You consider it would be so far beneficial to the actors, because it would enable many actors who cannot obtain from their physical organization that influence over the public which their skill would enable them to do, that it would be beneficial to them by allowing them that arena which is suited to their powers?—I do.

2066. Then as you consider it would be beneficial to actors and authors, who form part of the public, what effect do you consider it would have on the great theatres?—I consider any alteration of the law, throwing open the legitimate drama, must have an effect contrary to the interests of the great theatres, and considerably affecting those interests, for they are ill suited to the representation of it themselves; and if any theatre were legally authorized, and therefore rendered equally respectable, to play the legitimate drama in their neighbourhood, with the same company, it would have a ruinous effect upon them.

2067. Owing to their size?—Yes.

2068. Supposing they could contract their size, could they draw sufficient profit to repay the outlay of capital?—I think if a classification were to take place, if they were not to employ three companies instead of one, their receipts would probably equal their expenditure.

2069. Since you think it would injure the interests of the large theatres, in what way do you think the public could be accommodated in the manner you suggest, without injuring the interests of the great theatres? Is there any plan of compensation that has occurred to you?—No plan of compensation has ever arisen in my mind, unless it could be obtained from the Government, and that perhaps by way of lottery. For the actors to compensate, who would benefit by it, would be impossible, because it must be recollected they are the less fortunate, and consequently the poorer part of the profession, and could not bring forward sufficient funds by a very considerable sum.

*Mr. T. J. Serle.*

25 June 1832.

2070. If there was an Act of Parliament obtained for granting a lottery to the great theatres, do you consider that would be no risk, that they would be certain of remuneration?—I should think they would. There is so great a spirit of theatrical speculation afloat, that as soon as we see one manager ruined we see another ready to take the theatre, in the very face of accounts; and consequently, that dramatic spirit would have an excellent opportunity of venting itself in a lottery, and it would be exceedingly successful.

2071. No other plan has occurred to you?—No; no other I am sure would be likely to succeed, if it were to be drawn from the individuals likely to be benefited by it.

2072. Have you had a large acquaintance with dramatic authors?—I have had some.

2073. Do you think, upon the whole, they have considered themselves well treated or have been satisfied?—I do not think they consider the sums paid them too small, but I consider they think the opportunities considerably too few, and the time consumed in getting their pieces read and decided upon considerably too long, so that they cannot produce the same number of pieces they could do had they been allowed the full devotion of their time to the art.

2074. That is not the case with those who have already succeeded?—It was the case with Mr. Knowles with respect to the Hunchback; Miss Mitford with respect to *Rienzi*, which lay four years in Covent Garden; and with respect to Foscarei, which lay four years in Covent Garden: these are instances.

2075. Do you consider the throwing open the monopoly would be beneficial to the great actors, in point of salary?—That is a question upon which I can only give the opinion of others rather than myself; Mr. Macready thinks he would be the better for it.

2076. What do you think yourself?—I do not think they would be essentially the better for it.

2077. Do you mean you would restrict the theatres to different kinds of representations?—I think you must consider, first, within what distance, in so large a metropolis, it is possible for any person wishing to choose a particular performance, to see a performance of that kind which he desires; and with due regard to that distance, it would be fit perhaps to classify them.

2078. Then you would restrict the theatres?—Certainly; I think it would be advantageous.

2079. Do you not think the ability of an actor to make himself heard, depends more upon his articulation than the body of his voice?—Yes, certainly.

2080. Have you not heard persons with very thick voices who could not be heard?—Yes.

2081. And persons with thin voices, who could be distinctly heard?—Yes, certainly I have.

*Mercurii, 27<sup>o</sup> die Junii, 1832.*

EDWARD LYTTON BULWER, ESQ., IN THE CHAIR.

*Mr. Thomas James Serle*, called in; and further Examined.

*Mr. T. J. Serle.*

27 June 1832.

2082. WHAT do you consider to be the cause of the decline of the drama?—Some of those which have been adduced, I think, may mean something, such as the lateness of the dinner hours; but I think the great cause of the decline of the drama has been its separation from the literature of the country. It has become a difficult matter in the theatres to hear the language of a play from the size, consequently managers have been obliged to resort to spectacle; the public have left off going to see and to hear, and consequently the stage itself has deteriorated in public estimation.

2083. How long have the minor theatres been performing against the law?—The theatre with which I have been latterly connected has been open 14 years, and, I suppose, constantly playing against the law; the Surrey, I think, 20 years. The law, as it stands at present, I believe, permits no performance even in pantomime in which the scene is shifted, or any dramatic action represented.

2084. Have

Mr. T. J. Serle.

27 June 1832.

2084. Have not the late attacks against the minor theatres been rather more vigorous than they were before?—They have; and notice was served upon every manager of a minor theatre, stating that not only the legitimate drama must be abandoned, but that if any species of dramatic performance were resorted to, according to the words of the Act, the theatre would be proceeded against; which notice was given on behalf of the proprietors of Covent Garden and Drury Lane by their solicitors.

2085. You consider that in that they overstretched the spirit of the law?—If they did not overstretch the spirit of the law as it was originally framed, at all events they went beyond the present practice and the feeling of the public upon the subject.

2086. Do you consider that if it were lawful to act the legitimate drama at other theatres besides the two great ones, dramatic performances would be cheaper?—Certainly.

2087. Do you consider that that would produce a greater taste in the public for dramatic performances?—I think there are two points in which the public might be acted upon so as to produce a greater receipt, to make it a cheaper amusement, and so to manage the hours of performance as to make it a more habitual amusement.

2088. You think the performances will last a shorter time?—Certainly.

2089. Do not you consider that the enormous rent of the two great houses operates unfavourably upon the drama also, as it subtracts something from the profits of the authors and actors?—I do so consider it; I think the rents of the theatres are unnecessarily large, because, first, an unnecessary outlay of capital has been made; next, because a certain value is charged in those rents for the licence; and I consider that wherever an interest is paid upon a value of that sort in the shape of rent, whether it be for the privilege of a patent for the great houses or a licence for a minor house, it must become a tax either upon the profession or upon the public.

2090. Do you conceive that there is any difference, so far as the public is concerned, between granting a licence for the season and granting a licence for the year?—A very considerable difference: the granting a licence for a year provokes competition; the granting a licence for any particular time induces such an arrangement of the seasons as will enable the principals, at least of the same company, to serve in two theatres.

2091. Do you think that any theatre ought to be licensed for all the year round?—I think every theatre ought to be licensed for the whole year, in order to provoke competition. As the theatres are at present arranged, a very considerable number, if not a great majority, of the performers at Drury Lane and Covent Garden fill the situations at the English Opera-house and at the Haymarket.

2092. Drury Lane and Covent Garden have the power of remaining open the whole year, and do not avail themselves of it?—Because they agree with the Haymarket that they will give the Haymarket three clear months, as the licence for the Haymarket is now for four months, but it would be for seven if they infringed upon those three months.

2093. Do you think that if that arrangement did not exist with the Haymarket theatre, it would answer for the great theatres to remain open?—If it answered their purpose, they would do so; the Haymarket, at any rate, would get seven months, and remain open in competition, instead of being closed by combination.

2094. Do you consider that the manner in which the legitimate drama is surreptitiously performed at the minor theatres now is any criterion of the manner in which it would be performed if the performance was lawful?—I do not consider it any criterion at all, because those who have already arrived at something like a respectability in their art are of course deterred, if they have any other means of exercising their art, from going to theatres not legally authorized.

2095. Which should you prefer for a performance, the large stages of Drury Lane and Covent Garden, or one of the minor stages?—A theatre, in my opinion, should not be so large as Covent Garden or Drury Lane for the performance of the historical tragedies. It should possess considerable stage room; but as it is utterly impossible for an actor to extend his power *ad libitum*, the theatre should be confined within such a space as that the actors should exercise that power easily.

2096. Would it not be possible to combine such a sized stage with a smaller theatre?—Certainly.



Mr. T. J. Serle.

27 June 1832.

2097. Do you conceive that your own play would be performed more to your satisfaction at a moderate sized theatre, or in one of the large theatres?—In a moderate sized theatre, where every word could be distinctly heard without pain.

2098. Captain Forbes mentioned that it was no use prosecuting Mr. Chapman because he was a man of straw; do you know what was the exact cause of Mr. Chapman being a man of straw; do you happen to know whether he was ruined in consequence of a prosecution against him, or whether he was ruined by performing the drama previous to the prosecution?—I have heard him say that he is prepared to show that had it not been for the prosecution entirely taking up his time, and costing considerable money, he should have been a gainer instead of a loser by his theatrical speculation.

2099. With respect to Mr. Rayner, do you conceive the same observation holds good with respect to him?—Mr. Rayner told me that he has cleared 600*l.* between Christmas and Easter, and the cause of his now letting the theatre, which is let for 1,000*l.* a year, is, that he had miscalculated the sum that was necessary for the building of it, having expected to complete it for 1,200*l.* or 1,300*l.*, and it costing him between 3,000*l.* and 4,000*l.*

2100. Do you consider that the saloons attached to the theatres have any influence either in promoting the attractions of the theatres, or in decreasing the respectability?—I think that they have done a great deal towards destroying that constant attendance upon the theatres of respectable people which they were in the habit of giving before. I do not know what was the practice in Garrick's time, but I am quite sure that they would never have been attached to the theatres by the actors themselves, who would never have ventured upon such a breach of morality for the purpose of attracting the public.

2101. Whom do you consider that that breach of morality arises from?—From those who have a share in the theatres; from those who have rebuilt them.

2102. Did they not exist in the old theatres?—They might; but I do not think they are the kind of alliance which the actors themselves would have sought as an attraction.

2103. Do you happen to know whether the young ladies that frequent the saloons enter gratuitously in any instance?—I know nothing of that part of the management of a theatre.

2104. With respect to the remuneration to actors, supposing the legitimate drama was allowed at all the theatres, do you consider that the actors would be equally remunerated?—I was asked that question before, and I replied, that I had not sufficiently considered it, but my own impression was, that they would not; I have, however, thought of it since, and when I recollect that Mr. Liston has 60*l.* a week at the Olympic for six months together, and that Mr. T. P. Cooke has been largely remunerated at the Surrey for a considerable time together, besides the various temporary engagements that have been made at the minor theatres, I have reason to think they would be equally remunerated in the gross, though it might affect some individuals variously.

2105. As a proof of the advantage that the minor theatres are of in giving an opening to actors in general, is not Mr. Abbott at this moment about to enter into some engagement with one of the minor theatres?—He and Mr. Keeley have both engaged to perform in the new comedy of Mr. Jerrold's which was rejected at the Haymarket, and now purchased by the managers of the Strand theatre.

2106. Then you consider that a proof of the advantage of competition to both actors and authors?—I do.

2107. Is not Mrs. Orger also going to one of the minor theatres?—I understand she is going to the Olympic.

2108. You stated that the only scheme of compensation you can think of would be by a lottery?—Yes.

2109. You do not think it would be worth the while of any theatre that has not now the right of acting the regular drama to purchase it?—I think that right has been always considerably overvalued, consequently it could not be purchased at anything like what would be considered a remuneration.

2110. Supposing it were fairly valued, should you consider it worth the while of any minor theatres to contribute a proportion of that value for this right of acting the regular drama?—The proportion must be a very small sum; it would also have this objection, that the interest of that value must be charged upon the rent, and so become still a considerable tax upon the profession, at it is now in the shape of rent upon the large houses.

2111. Still

Mr. T. J. Steele.

27 June 1832.

2111. Still, if you consider that the loss of the minor theatres, in not being able to act the regular drama, is considerable, and that their gain, in being permitted to act it, would be proportionably great, how do you consider that the proportion would be so very small which they might in justice be expected to pay?—I do not think it would be advantageous for all the theatres in London to play the legitimate drama; I think it would be advantageous to classify the styles of performance to which each theatre should be restricted; that the inhabitants of the extreme east end of the town should not be obliged to come to Westminster for the legitimate or any other part of the drama; but still, where there are theatres tolerably near together, it would be better to classify them than to allow all to play every kind of performance.

2112. Would it be worth the while of those theatres that wish to act the regular drama to pay a fair proportion of the compensation?—A fair proportion it might; but I consider that the value of that privilege has always been raised upon a fictitious foundation, and that the payment for any privilege must operate either as a tax upon the actors or the public.

2113. In what respect do you consider it has been fictitiously estimated?—I think that the value has arisen from a privilege, which privilege ought never to have existed as a value; that, for instance, if the personal conduct of any other manager would entitle him to such privileges, that ought not afterwards to be made a matter of bargain and sale, enabling any other person who had not his talent to raise thereby a rent upon the privileged place.

2114. When the question of compensation is considered, do not you think, in common justice, it would be fair to consider the fortunes of those persons who have embarked large sums upon the theatres, whether upon a right or a wrong understanding of the real value of the patent?—I think, certainly, it would be fit to consider them, but I think they ought to be compensated by the Government which has permitted those things, and not by the actors who have been already wronged by them.

2115. Then do you incline towards the opinion of a lottery?—I do.

2116. Have you ever much considered the question of compensation?—I have in every way that has lain within my means of considering it.

2117. Has any alternative but that of a lottery been ever suggested to you?—Never.

2118. What do you consider to be the objection to a lottery?—None, unless some objection on a false score of morality; if there is no objection upon that ground, I can see no other objection of any other kind.

2119. Do not you consider that the fair way of estimating what should be paid by the minor theatres, would be to estimate what they might gain by it?—If it were advantageous to keep up the principle of a monopoly at all.

2120. Supposing the wish to be to do away with it as soon as possible, without injury to any individual?—But such a plan as the purchase of a part would only be to extend, and not to abolish the monopoly; I think one of the most useful principles would be entirely to abolish the principle of monopoly; to allow the public to say where they were sufficiently entertained, and where they were not sufficiently entertained.

2121. You say that you think it would not be desirable that the regular drama should be acted at all the theatres, and therefore you would have some classification; do you mean that that classification should not be previously determined by the licence, but should be determined by public taste?—I would have it thus, that within a certain distance a certain number of theatres should be started, whether for the purposes of the drama, legitimate or illegitimate, properly classified, and that if the public, upon an increase of any particular district, or the misconduct of any manager, had not afforded them that opportunity of amusement to which they consider they have a right, that they should then have the liberty, by the majority or a portion of householders within a certain district, of demanding a licence for another theatre, for the purpose of that theatre whose licence was abused.

2122. Do you think that all theatres ought to be classified, or that the major of the theatres ought to have the power of playing all descriptions of drama?—Certainly not, because I consider that one of the greatest arguments against them is this, that from their size they are tempted to make other things than literary works their staple commodity, and that, being obliged to resort to spectacle, they do not, therefore, depend upon histrionic or literary art for their support.

Mr. T. J. Serle.

27 June 1832.

2123. Would you confine them entirely to spectacle?—They might, I conceive, from their very situation, as having now patent rights, claim some priority of choice as to what species of performance they would prefer, confining themselves to taking care that if they choose the legitimate drama, they should adapt their theatre to the performance of it.

2124. Do not you think you might leave that to the effects of competition; because if they perceived that the legitimate drama was not attractive at their theatres in consequence of the size, and that the legitimate drama was preferred elsewhere, they would give it up?—If you throw it open altogether, but if you classify you cannot do that.

2125. Do you suppose it was ever in the contemplation of the Government, when they licensed the two great theatres, that French plays should be exhibited there?—Certainly not; I believe the patents express for the encouragement of the English drama, both as regards English literature and English acting.

2126. Are not you aware, at the same time, that the Opera-house is restricted to 60 nights performance?—I know nothing of the Opera-house.

2127. In addition to the instances that have been mentioned of pieces that, having been rejected at the large theatres, were brought out at the minor theatres, do you recollect whether *Luke the Labourer* was not rejected at the large theatres?—I do not know; *Fazio* was, I believe, rejected at both theatres, and then acted at the Surrey, and afterwards acted at Covent Garden.

2128. Was there not *Black Eyed Susan*?—That was first played at the Surrey, and then transferred to the large theatres.

2129. Do you believe that the minor theatres deprive the great theatres of 40,000*l.* a year of their receipts?—Certainly not, the sum is by much too large, as might be easily perceived by the items that Captain Forbes mentioned; I think he put the *Adelphi* down at 2,000*l.* a year, and the *Olympic* at 1,600*l.*, which must be to them infinitely more destructive than all the rest of the minor theatres put together.

2130. Do you believe that those persons who contribute the 3,600*l.*, if the *Adelphi* and the *Olympic* were not open, would necessarily go two nights to the great theatres?—Certainly not; I think that competition in this respect produces a taste for the art, as well as consumes the money which is expended upon it.

2131. Do you find that at present any of the theatres are principally supported by the neighbourhood in which they exist?—Generally, I think, except in the case of some remarkably attractive piece, which, gaining a great reputation from the newspapers and from public report, draws people from all parts of the town, and even from the country, to witness it.

2132. Is not the Surrey theatre supported from all the western parts of the town?—Occasionally, if there is any piece that excites that kind of general attention to draw from beyond the immediate vicinity.

2133. Which of the theatres would you say is principally supported by its own neighbourhood?—I should say the *Pavilion* theatre, at the east end of the town, and the *Coburg* decidedly from its own neighbourhood. *Astley's*, I think, draws from every part of the town, as having a peculiar performance of its own, to which most people go once a year.

Mr. Peter Francis Laporte, called in; and Examined.

Mr. P. F. Laporte.

2134. HOW long have you been in England?—About 12 years.

2135. What theatre have you been proprietor or manager of since your residence?—That of the French plays, when they were at the *Tottenham-street* theatre and the *Opera*.

2136. And the *Adelphi*?—I consider that to be the same thing as the French plays. After the burning of the *Lyceum*, they were obliged to go from one place to another, but it was the same thing.

2137. Have you not been manager and proprietor of the *Italian Opera* also?—Yes.

2138. And now you are so of *Covent Garden*?—Yes.

2139. When you had the French plays at the *Tottenham-street* theatre, under what licence did you perform them?—Under no licence whatever; at the *English Opera-house* it was under a licence from the *Lord Chamberlain*.

2140. How did you manage at the *Tottenham-street* theatre?—Like many others, we were suffered, and went on.

2141. Did

2141. Did you receive money at the doors?—We did; that is, if not exactly at the doors, at night we had a regular letting-place, to take boxes and tickets. *Mr. P. F. Laporte.*

2142. Did the patent theatres ever dispute your right or power?—They did not. *27 June 1832.*

2143. Upon what term have you taken Covent Garden theatre?—For a seven years' lease.

2144. Have you taken that upon any understanding that you possess any exclusive powers or privileges with regard to the drama?—I took the thing as it was. I was fully aware of this inquiry going on, but yet I thought that I ran no risk in taking it according to the ancient rights, or at least customs, that were established in those theatres.

2145. Then with regard to your theatre, you do not consider that it would be prejudicial to your interest the drama remaining as it is, and the minor theatres acting as they do the legitimate drama, but you are prepared to take your chance?—If there is no increase upon what goes on at present, I think I may take my chance.

2146. You are not afraid of the Coburg, for example?—It depends upon what pieces the Coburg performs; if the Coburg performed the same pieces as those which I give a great deal of money for at Covent Garden, it would injure me.

2147. Supposing it performed a piece of Shakspeare's?—I think it must be a great injury to me.

2148. But you are aware that they have done it up to this time?—They did it very seldom, and I think not much to their advantage.

2149. Then in all probability they will not continue it?—I hope not.

2150. Then are the Committee to understand that as long as no other theatre interfered with any new piece you bring out, you do not much mind what they do with the old pieces that have been represented, but you wish to have the exclusive power over any representation you bring forward?—I think that is but right.

2151. And you would wish to be protected in that way?—Decidedly.

2152. Do you consider the French opera and the German opera that is now licensed by the Lord Chamberlain an infringement of your compact or understanding in taking that theatre?—I consider it a very unfortunate thing for the patent theatres.

2153. Do you think the Lord Chamberlain is exceeding his power in doing it?—I am not acquainted enough with the Lord Chamberlain's powers, nor would I presume to judge how far they go.

2154. If you had the power of playing Italian operas, would you have given more for that theatre than you have done?—Perhaps I would.

2155. Would you like to have the option of playing the Italian operas?—Yes.

2156. Where do you think is the most encouragement given to theatres, in France or in England, by the public and by the government?—I think in France.

2157. Is not there a tax upon the minor theatres in France?—No, quite the contrary; there is an encouragement given to enable the proprietor to bring forward the great sort of drama, which is expected to be the best.

2158. To which of the theatres?—To all the royal theatres, such as the François, Opera and the Comique Opera.

2159. Do not the minor theatres at Paris contribute a portion of their receipts towards the three great theatres?—They do, a large portion.

2160. Then how do you reconcile that with your opinion that the theatres are more encouraged in Paris than they are in England, as there is no tax here upon minor theatres?—No, and that is why the great ones cannot support themselves.

2161. Is not the cause of the drama better supported here, taking it as a whole, than it is at Paris?—I do not see how; the minor theatres in all countries, being cheaper and having less expense, have more chance to support themselves than the larger ones.

2162. What proportion of the receipts of the minor theatres at Paris are contributed to the large ones?—One-tenth.

2163. Are they not obliged to contribute to the poor?—They contribute to the poor, but they make the public contribute that, because they are allowed to increase what is taken for the purpose.

2164. What proportion is given to the authors?—Twelve per cent. of every night's receipt.

2165. Do you think that the minor theatres are more flourishing there than they are here?—I think they are.



Mr. P. F. Laporte.

27 June 1832.

2166. Do you think the public taste in France is in favour of minor theatres?—The public taste is decidedly for the best performances, and whenever there are good performances at the large theatres they go there in preference to the small ones; but the smaller theatres being cheaper they have a claim upon many more people.

2167. Has not the question been very much agitated at Paris, whether the legitimate drama ought to be confined to the two great houses?—It has been.

2168. How many theatres are there in Paris?—About 14 open at a time.

2169. Do you think that in France the legitimate drama ought to be confined to the two great theatres?—I think it ought.

2170. You are aware that the question has been very much debated?—It has.

2171. Have not the theatres royal a regular allowance from the government?—They have.

2172. Do you know the amount?—It is very large indeed; the Opera has as much as nearly 40,000 *l.* sterling a year; the François about 8,000 *l.*; but then the François were very rich in former times, they had a great deal of funded property. I think the Opera is now given to a lessee, who receives 32,000 *l.* from the government, taking all the chances.

2173. Have the theatres flourished during the last year in Paris?—They have, as much as can be expected in these times.

2174. Has the public excitement there been prejudicial?—In Paris, public excitement is sometimes favourable to the theatres, because everybody likes to go and get entertained at night after business.

2175. How is a theatre managed in the provinces?—The provincial theatres are divided into three classes, and each class pays a certain price to the authors.

2176. Is there any connexion at this time between the theatre you have and other great theatres with regard to the management; is it at all likely that they will be at all united under one management?—Decidedly not.

2177. Are not the actors at the minor theatres at Paris bound to go to the theatres royal if they become so distinguished as to make it desirable to do so?—There is in France an idea that the theatres exert a great influence upon the manners of the nation, and therefore the large theatres, in which the best music and the best drama is to be produced, are greatly encouraged, and there is a public school, called the Conservatoire, supported by government, in which new performers are educated, and those new performers are decidedly the property of the large theatres, and they are not allowed to go on the small theatres, except after trying their skill at a large theatre, and then, if they do not answer, they may go where they can.

2178. If persons, having begun to act upon the small theatres, become distinguished, have not the large theatres a right to demand their services?—They have not; but such is their desire of getting for the first theatres the best talent they can, that sometimes government makes sacrifices to obtain them, and I could quote several actors who received large sums, one who receives a thousand a year from the government to go nowhere else but to the François.

2179. What do you understand you shall continue to be able to act at Covent Garden?—I conceive that what has been acted till now, I have a right to continue the same.

2180. That is to say, both the regular drama and spectacle, pantomime, opera, and in short the various things which have hitherto been acted, you imagine that you shall continue to be able to act?—I do, of course.

2181. Are you prepared to say that you should not call upon the lessors of the theatre to maintain those rights which you imagine yourself to possess in virtue of their patent, if they should be invaded?—I did not go so far into the question; but I considered, on taking the theatre, that the lessors would give me what has hitherto been performed at the theatre.

2182. Supposing you found that that was no longer so?—Then I would give up my lease.

2183. Have you the power to do so?—Yes, there is an understanding that it should be so.

2184. Is there any clause in the lease enabling you to give it up?—There is no lease granted at present, but that was the understanding with the proprietors, that if they lose part of their property, of course they must lose part of their rent, or even to set me at liberty, because if the theatre were to be done away with, or thrown open to large competition, of course there is not talent enough in England to maintain more than one or two theatres.

2185. Then



2185. Then if the monopoly was thrown open, you would throw up your lease? *Mr. P. F. Laporte.*  
—Decidedly.

2186. You have the power to do so?—There is no special arrangement entered into, because there is no lease granted, but such is the understanding.

27 June 1832.

2187. Then, in short, you would suffer no injury by the breaking up of the monopoly, beyond that of losing your engagement?—Yes, I would, indeed, because I must prepare for the next season.

2188. If you think that you should throw up your lease on the monopoly being thrown open, you must be of opinion it would be very injurious to Covent Garden?—Certainly it would; but the proprietors of the theatre fully understand that if the monopoly was to be thrown open, they would accept my resignation.

2189. Can you define what you mean by the monopoly being thrown open; what state of things would induce you to throw up your lease?—If the regular drama was to be performed everywhere, after a little there would be such competition for actors, few as they are, that they would be called away to the other theatres.

2190. Is not the regular drama performed at this moment at all the minor theatres, and should you be in any worse situation than you are now?—But we are not in a good situation now, and it has been expected that the law could be so defined as to prevent those infringements by the other theatres.

2191. Did you expect that it would be more restricted?—I expected that the rights of each theatre would be classified.

2192. Have you looked into the finances of Covent Garden theatre?—Yes.

2193. And you know that their affairs have not been very flourishing the last year?—Yes.

2194. Do you attribute that failure to want of management, or to the state of public taste?—I think there are many causes within the last few years that have reduced the theatres to that state they are in now; I think the dinner hour is the main point; then the many nights offered to the public at the Italian Opera-house I consider to be very injurious; and then taking into consideration also the state of the country, and the excitement of politics and occupation, which has not permitted the public to attend to amusements so much.

2195. But you think that in Paris the excitement does not operate unfavourably?—I think we cannot draw a comparison between the spirit of the French people and the English, the French are such a play-going people; and I believe there never was such a fine house, the French Opera-house, as when the Prussians were under the walls on the 30th of March.

2196. You once had a theatre that was not licensed?—I had.

2197. Now you are the manager of a legal theatre, have you it in contemplation to attempt to prosecute any of the minor theatres?—I think the prosecution, if any, must rest with the proprietors, and I would not make myself a party to it.

2198. Should you call upon the proprietors to prosecute?—I think that is their affair, they must manage better than I can; if I felt myself injured by it, I would call upon them to put me in as good a situation as they can.

2199. What is the manner of reading plays at Paris, does it rest with one person, or is there a certain committee established for the purpose?—It is different almost at every theatre; there is a committee in the large theatres; there are some where a committee is established, and some others where the manager himself takes the reading of the plays.

2200. In Paris are there many instances of plays being detained for some years by the committee before they are read over?—The answer is given the very day that it is read.

2201. How long is that generally?—There is reading every week.

2202. Is it always read in due course, or is there any preference given to favourites?—There is a preference which the manager has of selecting what he considers of actual advantage to the theatre.

2203. Then, in fact, the committee there are merely agents of the manager?—They are judges and advisers.

2204. What is the manner of licensing plays there?—There is no licence at all.

2205. Do you find that there is any want of a licence; are there many indecent plays permitted?—The public would not suffer them; the public is the best judge.

2206. How long has the censorship ceased to exist?—It has ceased since the fall of Charles the Tenth. Before that time there was a licence, because they were so afraid of political allusions.

Mr. P. F. Laporte.

27 June 1832.

2207. Are there many political allusions now in the plays produced at Paris?—There are.

2208. With respect to the manner of rewarding authors at Paris, does not he derive a profit from every time his play is performed?—He does.

2209. Does he really *bonâ fide* obtain it?—He does.

2210. How is it in the provinces?—In the provinces it is divided into classes, and each town, according to its importance, pays a certain sum for each play nightly.

2211. How does the author know that his play has been performed?—There is an agency in every town, and it is collected every year.

2212. Is it pretty regularly remitted?—Always.

2213. What sum does the author generally receive from the profits?—In the large places, such as Lyons and Marseilles, which are supported by government, they receive nearly one half of what they receive in Paris; in minor towns they receive according to a scale, I could not say exactly at present.

2214. Does not it rest with the author to allow his play to be performed or not; and if he chose to say, "I am not disposed to take the terms you offer me," might not he refuse to have it performed?—There are no terms, except the 12 per cent. upon the receipts.

2215. But he might refuse to have his play performed?—Yes.

2216. Is not his play for a certain number of years the property of his wife and his children?—For 10 years; there is now a talk of making it a downright inheritance for ever.

2217. Do you not consider that that would be a great encouragement to persons to produce plays that would be permanent?—Decidedly.

2218. And it would tend to give a lofty character to the drama?—Decidedly.

2219. Was there not also a law passed that rendered copyright free from the arrest of creditors?—I know of no such arrangement.

2220. The minor pieces that are produced at Paris are generally considered exceedingly good; but is it not the general impression that the higher order of the drama is not so good as the minor pieces?—It is.

2221. What do you consider the cause?—The minor theatres being so cheap, the manager can obtain the best performers, because the public come there.

2222. Is not the drama better in those departments at Paris than it is in the tragedies and comedies that have been produced?—It is much easier to produce a short performance of that description.

2223. Do you consider that that arises from this, that the author is only able to go to two theatres?—Decidedly not; there is never an overflow of good pieces; besides, it has been talked of several times to increase the number of theatres the moment the public should show that they are not satisfied with only two.

2224. Supposing the public were to express a desire to have more theatres at which the legitimate drama would be allowed, you think that they would be increased?—They would decidedly.

2225. Do you estimate the desire of the public in proportion to the manner in which the theatres are filled?—Yes.

2226. Do you think that would be a fair calculation to go upon?—Decidedly.

2227. Is not the Théâtre François of very great size?—It is.

2228. Which is the largest, that or the Covent Garden theatre?—I think about the same; I think Covent Garden is a little smaller.

2229. Have you not many publications attributing the want of merit in the recent tragedies to the overgrown size of the Théâtre François?—No.

2230. Do you consider that the Théâtre François, from the form and the shape of it, is better constructed for seeing and hearing than Covent Garden?—I do not think it is.

2231. Is it the same shape?—No; Covent Garden is longer, and the Théâtre François is more of a semicircle.

2232. Could you name any five-act plays, comedy or tragedy, that have been successful, that have been written in the last five or six years?—I could, a great many; Henry the Third, Louis the Eleventh, and many others that do not strike my memory now.

2233. Do you recollect any comedies in five acts?—Yes, L'Ecole des Viellards, and many others.

2234. You state that you think the late hours and the public excitement are main causes of the decline of the theatres; do not you think that the introduction

of

of French plays and other foreign entertainments has also given a different turn to the public taste, and thereby subtracted from the receipts and attendances at the great theatres?—The attendance at the French plays has been very moderate indeed.

Mr P. F. Laporte.

27 June 1832.

2235. Have not the public remunerated you by their attendance for your expense and trouble?—For the two or three last years we have not been very fortunate.

2236. Have not your French speculations answered very well?—Very well, indeed; it was a novelty; it answered for a short time, the same as the German now answers.

2237. Do you consider Covent Garden to be too large; or do you consider the construction of it perfect?—Very good indeed.

2238. Do you think that the private boxes are advantageous to the theatre?—I think they are, according to the present wishes of the intelligent classes of society.

2239. Does not it often happen that people who are in waiting in expectation of having a private box given to them do not attend the theatre?—It does, because in fact there are not enough private boxes; I would say that private boxes are clearly an advantage for the sake of the higher classes of society.

2240. Supposing you had your option to make six or ten more private boxes, would you do it in Covent Garden theatre?—Supposing the public would be satisfied with it, I would do it instantly.

2241. Do you consider that if the public were to express a great desire generally to have the legitimate drama performed at the other theatres in Paris, the public would obtain that desire?—Yes, they would, because the power that would grant that extension has also the power of granting indemnities.

2242. In what manner would indemnities be granted?—To support the theatre so that they are no losers; the large theatres are so supported that they cannot be losers, because the government gives a sufficient sum to pay for losses, so that the authors and performers and everybody are sure to get their money.

2243. Does not the French government interfere in the administration of the theatres?—To a certain extent they do.

2244. Much further than the English government does?—Much further; there is a committee appointed for those large theatres, to report upon their good management.

2245. Do they direct a particular piece to be performed?—No; but the wants of the proprietors come within the budget, so that it is for the Chamber of Deputies to grant the allowance or not.

2246. Is not the proprietorship of a theatre invested in individuals as it is here?—Yes.

2247. But with the understanding that the government will protect them from any considerable losses?—Yes.

2248. Are not the accounts regularly laid before the Government every year?—Yes.

2249. Are all the theatres in that predicament?—All the large theatres; they must make sacrifices, in order to keep up the dignity of the stage.

2250. Have you any idea whether the pecuniary losses that have been sustained upon the large theatres in Paris are at all in proportion to the losses that have been sustained here by the two great theatres?—I think the losses are not so great there, because the French are more of a play-going people altogether, but yet the Opera costs government about 40,000 *l.* a year for about 160 nights; the Théâtre François costs much less, because the property is vested in a company, and that company was very rich from former success, they had a great deal of funded property, so that I do not consider that that theatre costs government more than 8,000 *l.* or 10,000 *l.* a year.

2251. Are there any other theatres to which government contributes?—There are five theatres to which government contributes.

2252. Do you know the amount that government contributes?—I think very little short of 80,000 *l.* sterling.

2253. Does it appear in the budget as an item?—It does.

2254. Then is it not probable that the theatres, as mercantile concerns, are very losing concerns?—Yes, because no sacrifice is spared there to keep up the dignity of the drama; it is thought much more important there than it is here.

2255. Does not the government derive some emolument from the theatres?—None at all; a good performer is never suffered to be anywhere except in a large

*Mr. P. P. Laporte.* theatre, and as there is no compulsion, he must be paid accordingly; and there are some performers who are paid by government a very large salary to go nowhere else but to the principal theatres.

27 June 1832.

2256. Do they ever act in the small theatres?—Yes, in the melo-dramatic theatres.

2257. Was not there a process against Perlet for acting?—Yes, there was; he was articed to the National School, and when he chose to go to another theatre, he was called to his duties.

2258. Then it would appear that although the French are a more theatre-going people than we are, yet they do not support their own theatres?—Yes, it is altogether according to chance. I consider that the large theatres in Paris might be conducted at a cheap rate; but the government, in protection of the public, will not allow a cheap rate to be taken; and they say, you must spend every thing that is necessary to have a good theatre, you must allow no good performer to escape you, and if there is a loss at the end of the year, we will pay for it.

2259. Do you consider that they could go on so advantageously to themselves without an allowance from the government?—Not without reducing the scale of the expenditure, and consequently the quality of the company.

2260. Would there be sufficient attractions if it was so reduced?—If they could get one or two good pieces, they might carry them on for some time, but I think in the long run they would fail.

2261. Are not the small theatres able to support themselves without the aid of government?—Yes, because of their expenditure being so small.

2262. Is not that an argument in favour of the small theatres being a better mercantile concern than the large ones?—They are certainly; light pieces are much easier found than large pieces.

2263. If the French theatres were not supported by government, would they not fail?—They would.

2264. Then are not the large theatres in the two countries in the same predicament, inasmuch as they both equally want support?—They do.

2265. Do not you consider that a hardship upon certain performers being restricted to a certain number of theatres?—Indeed I do not, for so few as the theatres are, there are not performers enough.

2266. Is it not a hardship upon a performer, taking the liberty of the subject into consideration, to be confined to two or three theatres?—They are not confined; they may act upon a different line, because every theatre has a classified line of business; a vaudeville there cannot play comedy.

2267. Are all the theatres in Paris restricted to a certain specified representation?—They are.

2268. Is not the legitimate drama played occasionally at the Port Saint Martin; is not a good performer often removed from the Port Saint Martin to one of the great theatres?—There is a very narrow line between a tragedy and melo-drama, and there are melo-dramas that have been produced at the Port Saint Martin that would do honour to a French drama.

2269. Then cannot a performer that succeeds at Port Saint Martin be compelled to be removed to a large theatre?—Certainly not, he may be bought in.

2270. Suppose he is a pupil of the Conservatoire?—If he is a pupil of the Conservatoire, he is articed for a certain number of years, and his education having been at the expense of the government, of course the government has a right to his services.

2271. As the number of actors is very limited in France, would their number be increased if the competition was thrown more open?—Decidedly not; there is plenty of encouragement there, because the first theatres are made so important that it is the aim of all performers to arrive there.

*Samuel Beazley, Esq. called in; and Examined.*

*S. Beazley, Esq.*

2272. HAVE you not been concerned in the construction and alteration of several theatres?—Yes, I have built six or seven theatres; the late English Opera-house; I have built the whole interior of Drury Lane, and I have built the Dublin theatre and the Birmingham theatre, and several others.

2273. And you are now engaged in the construction of the new English Opera-house?—I am.

2274. Were



2274. Were you not also concerned in the alteration of Drury Lane?—I rebuilt the whole of the interior of Drury Lane.

2275. How many years ago is that?—About 11 years ago.

2276. What do you consider to be about the best size with regard to hearing and seeing at a theatre?—I do not think that a theatre should exceed above 50 feet in diameter, that is from box to box, or 55 feet from the curtain to the front box. With the permission of the Committee, I will state the dimensions of the theatres we have in London, and I have the plans also here; I think it should not exceed the present size of the two large theatres.

2277. Do you think that is the proper size?—I think that is a proper size for the performance of historical plays, and of tragedies and comedies.

2278. Would it not be possible to have a stage sufficiently large, and at the same time to have the place for the audience not too large?—I should think it very difficult to construct a theatre with a large stage and a small theatre, without bringing the audience so close to the stage as to destroy in a great degree the dramatic illusion.

2279. Are you not aware that that very circumstance exists at the Coburg theatre?—I have been in the Coburg theatre once or twice, and when I was there, it struck me that I was too close to the stage, for the size of the stage, on account of the width of the stage; the Coburg is a semicircle, but it is impossible that that can be upon any extensive scale, because it would make the stage so very large.

2280. Did you consider that you were too near on account of the actors or on account of the scenery?—On account of the scenery and the actors both, and particularly with the sort of pieces they performed when I was at the Coburg, because it was a melo-drama.

2281. Do you believe that all the audience in Covent Garden and Drury Lane have a fair chance of seeing and hearing?—I think those at the back of the boxes had not a fair chance, and I think the defect in our theatres is the great depth of the boxes.

2282. Then you consider it is from the faulty construction of the boxes rather than from the size of the theatres?—Certainly.

2283. Do you consider that those persons in the centre or in the galleries can sufficiently well perceive the countenances of the actors upon the stage?—I have myself seen Mademoiselle Mars in the Théâtre François in the upper part of the boxes, and I have never lost any of her effects, which are very nice effects, not great, palpable effects.

2284. Did not she appear diminished in size?—No, I do not think so at all; there is no theatre I have been in in which the distance has been sufficient to have that effect. It has scarcely that effect in the Italian Opera in the gallery. The Italian Opera-house, which is the best theatre we have for hearing, is ten feet wider than any English theatre, and nearly 90 feet from the curtain to the front.

2285. Do you consider they can hear well in all parts of the Opera-house?—I think in every part of it.

2286. How did you account for the sound being better in the Italian Opera-house than in Covent Garden?—I should think from the great use of wood in its construction, and I think that would have created too much vibration, if the vibration had not been damped by the draperies that the boxes are filled with.

2287. Supposing the interior of that house was arranged according to the construction of one of the English theatres, would not that impede the sound?—No, I do not think it would.

2288. When you re-constructed Drury Lane theatre, was it left entirely to your own discretion, or were orders given you to provide room for a certain number of persons?—It was left generally to my own discretion. I think I had no particular orders, but not to make it too small.

2289. You think that 50 feet is the best size?—I think it is.

2290. Both for sound and for scenic effect?—Yes; and you get by that a proscenium of such a calibre that you can perform anything.

2291. Are you not aware, that at the Italian Opera-house the singers complain of the efforts they are obliged to make in order to be heard; are not you aware that they call that house the tomb of singers?—I am aware of that with respect to some particular singers; but I think it depends more upon the management of their voice than upon the construction of the theatre. I have known Miss Stephens say that at Drury Lane theatre she sang with perfect ease, and the same in the



*S. Beazley, Esq.*

27 June 1832.

Dublin theatre; it depends upon their articulation; there are certain persons of great physical force that I did not hear so well as others, persons of much less physical force, but who articulate more clearly.

2292. Should you say, as a general position, that the more stone there is in the construction, the theatre is less favourable to sound?—If that stone is near to the speaker, certainly.

2293. You think that no theatre should be larger than Drury Lane and Covent Garden?—Certainly not.

2294. What shape do you consider the best for seeing and hearing?—I think a little variation from the horse-shoe shape is the best you can adopt.

2295. Who built the Coburg theatre?—A Mr. Bonelli, I think, a very experienced person, who built a great number of theatres.

2296. What is the shape of that?—That is a semicircle.

2297. What are the dimensions of the English Opera-house which you are now building?—The new will be 42 feet across.

2298. What are the dimensions of Covent Garden?—Fifty feet.

2299. What are the dimensions from the stage to the boxes in the English Opera-house?—Fifty-four feet from the curtain.

2300. What is the distance at Covent Garden?—At Covent Garden it is 63.

2301. Since you are constructing the English Opera-house so much smaller than the two great theatres, are you not of opinion, that a theatre may be smaller than the two great theatres, giving great effect to all scenic representation?—I think so, certainly, but not giving such good effect to the representation of historical plays and tragedies which require long processions; I think that spectacle is a great adjunct to legitimate drama.

2302. You think a large theatre is better for spectacle, whether it is employed in legitimate drama or any thing else?—Yes.

2303. Do you get the same price for a large theatre as for a small one?—I am myself only an architect, not a builder; we are paid a commission by a per-centage, and of course as a large theatre costs more than a small one, our per-centage would be larger, and also probably it would require more science in the construction.

2304. Then supposing it were possible that a gentleman in your profession should be actuated by any kind of mercenary feeling, he would be inclined to advocate a large theatre rather than a small one?—I should imagine that he would.

2305. You have yourself produced several pieces?—I have adapted several pieces.

2306. So far as they have gone, have you been satisfied with the remuneration you have received?—Perfectly.

2307. Do you consider that the law that relates to dramatic copyright could be improved?—Upon that I am no judge; with regard to myself, I have always been very well satisfied with the remuneration I have received.

2308. What is the size of the Haymarket theatre?—It is 35 feet across from box to box, and 47 feet from the curtain to the boxes.

2309. Is not that rather smaller than the new theatre you are building?—Considerably smaller.

2310. Do not you think that the legitimate drama is very fairly acted at the Haymarket?—I think it is very well acted.

2311. Then you think it is large enough for that object?—I think it is; but I question whether it is large enough for the performance of large plays, such as *Coriolanus*, and the performance of such a play as Mr. Shiel's play of the *Apostate*, with all the necessary appendages.

2312. Is it your opinion that historical plays cannot be acted in a theatre less than the Haymarket?—Certainly not; I think that a theatre too small is much more destructive of dramatic illusion than one too large.

2313. Did you ever have any pieces performed at the Adelphi?—Yes, I have.

2314. Were you satisfied with your remuneration there?—Perfectly. I have received a great deal more money at a large theatre than I have at a small, but I was perfectly satisfied with both.

2315. What sum have you received in one year from Drury Lane?—I received 840 *l.* from Covent Garden in one year.

2316. For how many pieces?—For three pieces. One was the *Steward*, a comedy; another piece was *Ivanhoe*; the third was a single act piece, the *Cozening*.

2317. How many nights were they performed?—The *Cozening*, I believe, ran a great

a great many nights, and *Ivanhoe* a great many nights ; the Steward about twenty nights.

2318. What proportion of the receipts do you suppose that you got ?—It is impossible for me to tell ; I have always made my arrangement with the manager upon the old plan of 33*l.* 6*s.* 8*d.* for the first nine nights, and then 100*l.* the twentieth night.

2319. Is that the general plan ?—That is the general plan, I believe, which brings it to 100*l.* the third night.

2320. You have stated that the processions and the adjuncts add very importantly to the effect of historical pieces ; but may there not at the same time be a considerable diminution in the excellence of the acting or in the power of conveying that excellence to the audience ?—I have never felt it so myself ; and I think Mr. Shiel would say that he would not have liked his play of the *Apostate* to have been acted upon a less theatre than Covent Garden theatre.

2321. Do you consider that the size of the new theatre you are building is equal to any purpose ?—I do ; I should have built the theatre larger if we had greater funds, and a large space to have covered.

2322. How many persons will it hold ?—I should think from about 1,500 to 1,700 persons.

2323. How many does Covent Garden hold ?—About 2,500 people ; we generally reckon by money. I should think that Covent Garden and Drury Lane would hold about 600*l.*, and that would hold about 400*l.*

2324. Of course you have avoided the faulty construction of the boxes ?—Yes ; there are only three seats ; and I did the same in Drury Lane in the dress boxes.

2325. Do you recollect what was the expense of the alteration of Drury Lane theatre, when you re-constructed the interior ?—Between 17,000*l.* and 18,000*l.*

2326. If it was an object to reduce either of the large theatres still further without altering the stage, what sort of expense would that involve ?—In Covent Garden it would require a great deal more than Drury Lane theatre. At Covent Garden theatre, I think, it would cost about 15,000*l.* without touching the stage, but I am afraid it could not be done without touching the stage ; I think it should be put at 20,000*l.*

2327. What would a second reduction of Drury Lane cost ?—I should think about 10,000*l.*, but much of that depends upon the scale of the reduction ; the great difficulty will be, that in reducing the circle you alter all the levels, so that you will have to adopt all the lobbies to the new levels.

2328. Is there a saloon or not in the theatre you are building ?—Yes, there is a very handsome saloon.

2329. If you consider the plan of the English Opera-house is so much the best, how is it possible that the Italian Opera-house, which is on a very different plan, should be so eminently excellent ?—I do not think the outline of the Italian Opera-house is so very different, it is merely a modification of that form ; it is no doubt a very elongated horse-shoe, but then the stage is within nearly 30 feet of the audience.

2330. Then, in fact, those who sit in the centre are not much further from the stage than they are in other theatres ?—No ; it has been elongated twice, and it is that which gives it its present form.

2331. Although there are certain principles and rules which are favourable to the conveyance of sound, does it not after all very much depend upon accident ?—I am decidedly of that opinion ; there are certain principles that you must not violate with regard to space and with regard to materials, but in general the doctrines of acoustics are perfectly inapplicable, and if you attempt to build a new theatre upon those principles the object may be defeated at last. It was the case with the theatre at Lisbon, which was considered the best theatre in Europe, and after a short time they found that the sound was lost, and it was discovered that it was in consequence of certain passages having been stopped up, and when they re-opened them the sound returned.

2332. Had those openings been made at first for the purpose of the sound ?—No, they were mere accidents.

2333. Is your time and labour increased in the construction of a great theatre in an equal degree to the increase in the remuneration which you obtain as compared with contracting for a smaller theatre ?—That is a question that it is rather difficult to answer. The mere labour of making the drawings larger and making a larger design would not perhaps be equal to the larger remuneration ; but taking  
the

*S. Beazley, Esq.*

27 June 1832.

*S. Beazley, Esq.*

27 June 1832.

the additional responsibility of all the bearings; I think the extra remuneration is very well earned by a person that builds a large theatre; but as to the labour of the actual architect, I should say there was not a great deal of difference, but there is a great deal of difference in his anxiety and his responsibility. If you had to put a roof, as I had at the Birmingham theatre, of 84 feet span, without any support at all, you would feel a great deal more anxiety than you would about one of 64 feet, as I put to the last British Opera-house.

*Mr. William Charles Macready*, called in; and Examined.

*Mr.*  
*W. C. Macready.*

2334. HAVE you any share in any theatre?—No.

2335. You are at present engaged for Drury Lane?—I am.

2336. Has there not been a very considerable time in which you have not been engaged at either of the two large theatres?—Not for two years; I was absent from London.

2337. Was it your own option that you were not engaged at that time?—One year it was, when I went to America, the rest of the time it was not at my own option.

2338. Do you consider that if there had not been several minor theatres open at that time performing the legitimate drama, you would have had it in your option to be engaged at that time?—I dare say I should, and I think it is probable that I should even without, but that particular circumstances shut one of the theatres against me; it was a personal question.

2339. Have you acted at one of the small theatres?—Yes.

2340. Do you conceive that you were able to act sufficiently well there?—I feel it to be much easier to act in a small theatre than in a large one, and I should say that for merely domestic scenes and for simple dialogue, where there is nothing of pomp or circumstance attending it, I should prefer a small theatre; but for Shakspeare's plays, I should think very few of them can be found which can have due effect given to them in a small theatre.

2341. Should you consider that the Haymarket would be large enough to allow a fair acting of Shakspeare's plays?—I speak from having seen Kean act in the Haymarket. In scenes where only two persons have been upon the stage, I have lost myself to the size of the theatre, but when a great number have occupied the stage, I have felt the want of space, and too great proximity of the performers to me.

2342. Supposing the legitimate drama were to be allowed to the small theatres, would it not appear that, if the public generally shared in your opinion, the large theatres could not be much injured, because, as they would perform Shakspeare's plays better than the small theatres could do, they would not be injured by that competition?—I do not wish to be supposed to say anything against the interests of the small theatres, but that is only one of the ways in which they would injure the large theatres; they would offer so many markets for talent, that they would take those as nightly auxiliaries that ought to be stationary actors in large theatres, in order to make an efficient regular company, which never could be the case if we had opportunities of going for large sums of money to the small theatres; it would be better for us, but I think it would be for the loss of the public, inasmuch as there would be a great many plays tolerably done, but it would be almost impossible to congregate an efficient company in any one theatre.

2343. Do not you think that in consequence of there being more theatres open more good actors would be found?—I am sorry to say that we do not find it so at present; I do not perceive that it is so in France, nor did I observe it in America.

2344. Did not you perceive that in France there is a great deal of good performance?—They are very good actors indeed in the small theatres, but then they require a very small company.

2345. Do most good plays require a small company?—You are obliged in our theatres to have large companies both for tragedy, comedy and opera.

2346. Would it require very large companies for most comedies?—For Shakspeare's comedies.

2347. Are not many of our pieces now taken from the French, and could not those be performed with a small company?—Yes.

2348. Do you consider, therefore, that if the legitimate drama were acted upon a small theatre, it would be injurious to the public, by dividing that force of actors which exists at present in the country?—I think so. If there were not some distinction  
between

between the theatres that prevents many actors of the patent theatres from going to small ones, they would go there.

2349. You do not think that it is an evil that would cure itself?—I do not see how it could.

2350. Do not you think that if the larger theatres were able by large capital to get better companies, that the public would so encourage those theatres that the others would not be able to flourish?—I think that small theatres would proceed upon the plan of engaging the best actors as auxiliaries; they would be able to pay them for a fortnight or a month's engagement much more than a large theatre could pay them for the season, which is the way in which they now engage them: I think that actors being paid by the night in London is particularly injurious.

2351. Do not you find that that is the plan at present?—The last two years I think that has not been the case, with one or two exceptions.

2352. Are there not very few great actors that engage to enter into all the business of the house?—They ought to do so of course; it must be according to his profession. I do not conceive that a tragedian, for example, has any right to scruple to perform that character, supposing it to be the grade of first, second or third in which he may be engaged.

2353. How many times a week do you perform?—I am quite at the mercy of the manager in that respect; as many as he pleases.

2354. Have you found in the course of your experience that a great number of pieces have been written solely for you?—Never, but in the case of one or two plays in which I did not act, namely *Caswallan*, and a play written by Miss Mitford, called *Rienzi*.

2355. Was it not in consequence of *Rienzi* being written for you, and your not acting in it, that the play was detained for some time, and afterwards acted in another theatre?—From mine being a nightly engagement, it expired before the play could be got ready; in consequence of that, I was anxious then, for Miss Mitford's sake, that it should be acted; and I presented it to Mr. Elliston, who refused it, and it remained unacted till Mr. Price came to the theatre; and, I believe in consequence of a young lady coming out, it was brought out.

2356. Are you aware that at one time a great number of theatres existed in London when the population was so much smaller; and are you aware that at that time there was no complaint of a want of audience?—There is extant a petition of Massinger and Field, in consequence of the ill success of their theatres; and in *Hamlet*, we find that Shakspeare himself complains of the public being run away with.

2357. Did not the public at that time attend those theatres and support those theatres; and were they not witnesses at that time of some of the greatest plays that were ever produced, and therefore can it be said that the public suffered by the state of things at that time?—They did not suffer certainly as it regards the compositions; in fact, I do not know how to account for the constellation of genius that then arose.

2358. Do not you think it could be accounted for in some measure by the number of houses which existed then?—No, because I think we have evidence of the poverty of authors at that time: and we may recollect that there is a complaint in one of Shakspeare's choruses of the small sum which they had to represent one of his historical plays; but I imagine that those men wrote because their genius was irrepressible in them, whether those theatres existed or not.

2359. Would not the public have lost many of those plays if those theatres had not existed?—Those plays of Beaumont and Fletcher that were unsuccessful were not lost, they were published.

2360-1. Do you think there is the same quantity of dramatic talent to be found in the provincial theatres at present as there was 15 or 20 years ago?—No, I think not.

2362. How do you account for the difference?—That is a very perplexing question. I think it is so very unrequiting a profession, that no person who had the power of doing anything better would, unless deluded into it, take it up.

2363. If the field was more open, and the performers had the power of representing the legitimate drama at the minor theatres, do you think that it would increase the number of performers?—I cannot see how.

2364. Supposing the quantity of talent to be greater than the demand, what is to become of the surplus?—We can only argue for what will be from what has

Mr.  
W. C. Macready.  
27 June 1832.

been, and I never recollect a period when we were overstocked with good performers.

2365. You yourself prefer acting upon a large stage to acting at one of the minor theatres?—So far as my personal convenience is interested, and as far as my impression goes, I should prefer the theatres being thrown open, but I think it would be a loss to the profession itself. I think it would press hard upon performers who could not command what I call auxiliary engagements, for I think they would be ground down in order to pay those performers who had the good fortune to be considered more attractive to be engaged in a temporary way; I think the public would suffer in consequence of the efficient companies being broken up.

2366. Do you find the public prefer witnessing large performances upon the great theatres, or that they prefer witnessing the performances at the Haymarket, for example?—I can better answer that question by referring to the period when Covent Garden was burnt down, and when the company was particularly strong, consisting of Mrs. Siddons, Mr. Cooke, Mr. Kemble and others; at that time, when they played in the Opera-house, I believe their success was very great indeed; they were obliged to leave that and go to the Haymarket; it was expected that, because they would be seen and heard so much better, the houses would be full to the end of the season, but they fell off directly, and I believe they did not make their expenses there.

2367. Do you consider that a solitary instance of that sort is a strong argument either one way or the other?—I think the necessary appurtenances are wanting in a small theatre; as a spectator, I feel the actors are too close upon me.

2368. Are you speaking of tragedy?—Yes.

2369. With regard to comedy, does not that appear to great advantage upon a moderate-sized theatre?—Provided the audience are sufficiently far removed, which I do not think they are in the Haymarket.

2370. Do you think that persons in the centre boxes of Covent Garden and Drury Lane witness the *School for Scandal* with as much satisfaction as at the Haymarket?—I could wish Covent Garden and Drury Lane somewhat reduced, but not very much.

2371. Do not you consider that the state of the laws at present is not quite satisfactory to any party?—Certainly.

2372. Then as something must be done, do you conceive that that something should be to restrict the present monopoly or to open the present monopoly?—I think it should be to define the rights of the minor theatres, and not to allow them to perform the legitimate drama.

2373. How would you define the legitimate drama?—I know no other way than by taking what has been considered as the rule hitherto, by appropriating the five act plays as belonging to the large theatres.

2374. Would you allow the minor theatres to purchase new pieces, either tragedies, or comedies, even if they were in five acts?—Yes, I think so, because if you retain Shakspeare as the property of the large theatres, the leading actors in general would prefer to be in the theatre where Shakspeare is played, and therefore it would prevent that competition for the actors, which I think would be a great injury to the large theatres, by dispersing their companies.

2375. Then you would not mind their being able to have the new plays, because you think they would not be able to act them?—I do not think they would be able to act them so well.

2376. Then you do not see any objection to allowing the minor theatres to have the power of purchasing any new plays that may be produced, of whatever kind they may be?—I think not. I think it is an injustice to authors that they should not have an open market; but the large theatres would be able to pay authors so much better, that the authors that would be successful at the large theatres would not go to small ones; but it may happen that an eminent author may have written a piece which is not fitted for a large theatre, and it would be very hard that it should lie upon his hands when he might find a market for it in a small theatre.

2377. How many years have you been at Drury Lane in your present engagement?—My present engagement is of two years' standing.

2378. Can you recollect how many times you have played Shakspeare's characters in those two years?—I think the play of *Macbeth* has been done six times in the



the last season, and Richard has been acted, I think, five times, and Hamlet once, and the Winter's Tale once.

2379. Does it appear, then, that Drury Lane theatre avails itself very often of Shakspeare's plays?—Under the present management it does not.

2380. So that the public are deprived, in point of fact, of Shakspeare, unless the proprietor of Drury Lane thinks proper to give it?—That is the state of things.

2381. Do you not conceive, then, that by limiting the performance of Shakspeare to the two great theatres, you leave it to the caprice of the proprietors of those theatres?—Yes; but they pay for that caprice, and the losses have been very heavy indeed in consequence.

2382. During the time that the lions and those spectacle pieces were represented, had they not large houses?—I believe they lost money by the lions.

2383. Is not the public opinion rather set against the exhibition of those monsters now?—I think persons seldom go twice.

2384. Do you think it right that French plays should be exhibited at Covent Garden and Drury Lane; was that the original intention of those theatres?—Certainly, it was not the intention; but I think that our taste is not injured by the production of such performances as Mars'. Speaking for myself, I should be happy to be saved a journey to Paris by seeing them here. I do not see whom it can injure.

2385. Are you of opinion that your line of acting has been properly appreciated at the minor theatres, or would not such talents as those of Mr. Liston in all probability be preferred to yours?—No doubt they would be greatly preferred in a very small theatre, such as the Olympic; perhaps in theatres of the size of the English Opera-house, for a continuance, they would wish for a change.

2386. Are the tragedies of Racine the most attractive of the Théâtre François?—Not now, because Talma is no more.

2387. Generally speaking, have you not understood that Racine did not attract great audiences in the Théâtre François?—I generally understood that the *chef d'œuvres* of Talma were attractive.

2388. Then was it Talma or Racine that drew houses?—Both, I should imagine.

2389. Is it not the fact that the immense population of France, amongst whom the strongest theatrical taste prevails, has not since the death of Talma produced one great actor?—No, I believe not.

2390. To what cause do you attribute it?—Simply to this, that persons who could find any other occupation would not take to one in which they are depending entirely upon the humour of the public.

2391. Is there not a great demand for genius upon the stage in France?—It would be paid amply no doubt in France, much more highly than here.

2392. Is it not the fact that there is no very eminent dramatic writer in France? There is Jouy and De la Vigne.

2393. Do you not conceive that of late years the diffusion of intelligence and of literature throughout the country has been such as to afford to individuals in their own homes and in their libraries those resources which were formerly sought for at the theatres?—No doubt; and to that is very much to be attributed the decline of the drama.

2394. So that without any reference to minor theatres or to political events, you consider the general diffusion of literature to have been among the causes of the decline of the drama?—I do, particularly to the novels and romances which have been written, by which a person can procure the same excitement and amusement at his fireside for the small price he pays to a circulating library.

2395. Have not you understood that about 30 years ago a bookseller would, for a successful play, give nearly three times as much money as he would now?—More than three times; 100*l.* was a low price for a play then, but now frequently 10*l.* is offered, and sometimes even that is considered a hazard.

2396. Then, under the present system, authors do not get any great remuneration?—Not by the publication of their plays; but for the performance of their plays, I have never known the case of an author who has not been rewarded to the amount that has been mentioned of 33*l.* 6*s.* 8*d.* a night. The case of Mr. Serle I have not heard of before. If his case had been mentioned to me before, I should have recommended him not to allow it to be acted for that price, which I consider was not equal to its deserts.

2397. You consider that what Mr. Beazley has stated is the average remuneration?—

Mr.  
W. C. Macready.

27 June 1832.

Mr.  
W. C. Macready.  
27 June 1832.

tion?—I never understood any other; I think an author is unjust to his brethren who takes less. I always understood 50 *l.* every three nights for a farce, and 100 *l.* for a play.

2398. So that the booksellers give less encouragement than they formerly did?—They scarcely give any now.

2399. Do not you consider that as a proof, that amongst the reading public the passion for the drama has greatly decreased?—Very much indeed.

2400. Do not you think that it arises from the impression that the new plays that are produced are not very good?—Those that have been very successful on the stage have sold very well; but a bookseller will not speculate upon a play so readily as he will upon a novel.

2401. You have performed in the country a great number of tragedies which have been first produced in London, and you receive for those performances in the country a part of the profits resulting from those performances?—Yes.

2402. But the author received nothing?—Nothing.

2403. Do you conceive it would be a benefit to dramatic literature that such an arrangement should be made as would insure to the author any portion of the profits of his play from the performances in the country?—Most undoubtedly, I do; I think it would be only justice to him and a benefit to dramatic literature; at the same time, it should be done very carefully, inasmuch as sometimes the receipts of the provincial theatres may be very small; you may prevent the play from being acted altogether; and therefore, if it had a reference to the second or third night upon which it was performed, it would be hard, because a play which succeeded in London might fail in the country.

2404. Would you think it right to prevent a manager in the country from acting any play in the country without the author's sanction, and to leave the author to make his own agreement with the country manager?—Undoubtedly; and that was the law excepting in the case of publication. Macklin, for a considerable time, held the pieces he wrote in his own power, and threatened to prosecute country managers that performed his plays; I believe it is the author's property till it is published; but I think it is very hard that the author should not derive benefit from the acting of it even after it is published.

2405. You would think it right to give the author a species of copyright in the acting of his play?—Yes.

2406. Could not a country manager evade it by altering a few passages?—That was done in the *School for Scandal*.

2407. Might not he do it by altering the title?—That would not answer, because it would not attract unless he gave the same title.

2408. Do you recollect that Lord Kenyon decided in the case of O'Keefe, that acting was publishing?—I have a vague recollection of it.

Mr. David Edward Morris, called in; and Examined.

2409. ARE you the proprietor of the Haymarket theatre?—I am principal proprietor of it, I have seven-eighths of it.

2410. Do you consider your theatre one of the patent theatres?—It was originally a patent theatre; a patent was given by George the Third to Samuel Foote, for life; that patent expired with Mr. Foote.

2411. Do you consider that you have any peculiar privileges or rights attached to your theatre?—I consider the Haymarket has the power of playing the whole range of the drama.

2412. What other theatres do you suppose enjoy that right with you?—Only Covent Garden and Drury Lane.

2413. Do you consider that other theatres are infringing upon your rights?—Yes, the Strand Theatre, the Queen's Theatre, the Surrey Theatre and the Coburg Theatre, and I believe others in the city.

2414. Have you any complaint to make against the Lord Chamberlain?—I think the Lord Chamberlain has exceeded his power in granting foreign licences. The arrangement with Covent Garden and Drury Lane, and I believe with the Haymarket, was, that only the Italian licences should be permitted to play on Tuesdays and Saturdays; the Opera-house then being open twice a week; whereas now it has been open every night; French plays on the Monday, and Italian operas on the Tuesday, German operas on the Wednesday, and so on, which I conceive is greatly prejudicial

prejudicial to the interests of the Haymarket, and most severely felt in its receipts. Mr. D. E. Morris.

27 June 1832.

2415. Have you laid any complaint before the Lord Chamberlain?—I have sent a representation to the Duke, but I have not received any answer.

2416. Does not Mr. Kean perform at your theatre?—He has been engaged for 12 nights, 10 of which he has played.

2417. Do the public appear as well satisfied with his representation of Richard, or any other character on your stage, as at the great theatres?—Quite as well satisfied.

2418. Does he ever complain himself that he does not perform as efficiently as at the large theatres?—Never; I think I have heard him say that the size of it is more congenial to his wish.

2419. How many persons does the theatre hold?—About 1,600 or 1,700.

2420. What sum of money does it take?—320 *l.* when it is full.

2421. What salary do you give Mr. Kean?—30 *l.* a night; I had given him 50 *l.* the year before last.

2422. Did you engage him last year?—Yes.

2423. At the same salary?—Last year he got 33 *l.* 6 *s.* 8 *d.* a night.

2424. Then it appears that Mr. Kean varies his terms?—He has varied them for the last three years; at first they were 50 *l.*, afterwards they were 33 *l.* 6 *s.* 8 *d.*, and the present year 30 *l.*

2425. The Committee understand from Mr. Kean that his terms were always the same?—I believe that he has taken less at other theatres.

2426. Do you complain at all of other minor theatres for acting the drama?—I feel the effect of the regular drama being played at those minor theatres most severely, in the fall of the receipts.

2427. As you have the law upon your side of the question, why do not you appeal to the law for the purpose of putting them down?—It has been in contemplation to do so, but the process is so expensive and so tedious before you get redress, that we are deterred from doing it.

2428. Then is the expense of the process of law as great as the loss you suffer from the theatres?—It is only very recently that we have felt it so severely, since the Strand theatre in particular, and the Queen's theatre, which have been very recently established.

2429. Would you, then, like to see the law altered?—I should.

2430. Do you consider that you would suffer more if the performance of the legitimate drama in minor theatres was lawful instead of illegal?—I should suffer still more by it.

2431. Do you suppose that the drama would then be better performed at the minor theatres, and that it would therefore draw more persons from your theatre?—Yes.

2432. Do you consider that you would be entitled to any compensation, supposing the minor theatres were suffered to perform the legitimate drama?—I think that if the theatres were to be increased, and regular dramas were to be played at all of them, it would so much injure the Haymarket, that unless a proper compensation was made, it would ruin the establishment.

2433. In what manner could compensation be made to you?—I see no other way than by government.

2434. Supposing you were to put up your theatre to lottery, would that satisfy the proprietors?—It depends upon what scheme. Very recently, a gentleman of the name of Jerrold sent a play to the Haymarket, which I did not think it eligible to accept; it was taken away afterwards, I understood to the Strand theatre. A regular comedy is advertised to be represented at the Strand theatre, I think it is called the Golden Calf, that was the name of the play that was sent to me; I understand that that play is to be played as a regular comedy, by regular performers; and in addition to the Strand company, Mr. Abbott is, I understand, engaged, and Mr. Keeley and Mrs. Keeley, to play this piece at the Strand theatre, which has not even a justice's license.

2435. Is it not a fortunate thing for Mr. Jerrold to be able to take this play to the Strand theatre, and to have it performed there?—If he chooses to incur the penalty that he may be liable to: whether it may be fortunate for him eventually may depend upon circumstances.

2436. Was not it fortunate for Mr. Sheridan Knowles to know that he could  
679.
s
take

Mr. D. E. Morris.

27 June 1832.

take the Hunchback from the Drury Lane theatre to another?—Yes; but that was a regular patent theatre.

2437. Supposing it had also been rejected at Covent Garden, would not it have been desirable for the public and for Mr. Knowles to have been able to take that play to another theatre?—It would have been a pity that such a play as that should be lost.

2438. Did your negotiation with Mr. Jerrold go off on account of terms?—No; terms were never in question.

2439. But you thought the piece would not attract?—No.

2440. Then why should it attract anywhere else?—As a regular comedy, people would go to it sooner than a melo-drama.

2441. What minor theatre do you consider most prejudicial to your interests at this moment, as acting the legitimate drama?—It is impossible to say which affects the receipts most, they all of them play the legitimate drama.

2442. Are not the audiences at your theatre composed of a different set of persons, and people who reside at a different part of the town, from the audiences that attend the Coburg theatre?—I cannot exactly answer that question; our theatre is well situated; but there are persons of good condition visiting those minor theatres.

2443. Is the audience as respectable at the Coburg theatre as it is at yours?—Sometimes it may be, and at other times perhaps not.

2444. You say you did not proceed against the minor theatres on account of the expense?—It is on account of the difficulty in obtaining the object: I have myself once proceeded by information. Before Mr. Laporte had a licence for the French plays, they were played at the Tottenham theatre, and the company was very strong, and the effect upon the Haymarket was so great, that I was advised to lay an information, upon which the magistrates convicted them. It had the effect for a time of stopping them; but when we went for the penalty the person fled to Paris, and I was thrown with all the losses of the law expenses upon me.

2445. Cannot you, at a very trifling expense, go to one of the magistrates and obtain redress there?—I never appealed to any magistrate, except in the instance I have mentioned.

2446. You say that your patent has expired; have you now any patent?—I have no patent; I am acting under a royal licence.

2447. Is that from year to year?—It is.

2448. Does it specify what you may act?—It specifies that I may act all such dramas and entertainments as have been acted at the Haymarket theatre, where always the regular drama has been acted.

2449. May you act melo-dramas and pantomimes?—Every species of dramatic entertainment: the licence specifies all such dramas as have been permitted to be acted at the Haymarket before.

2450. What do you understand to be the regular drama?—All the plays of Shakspeare, and all other classical authors; all plays that are licensed by the Lord Chamberlain.

2451. Do you call the Maid and the Magpie a regular drama?—No.

2452. Then you would have no objection to have the minor theatres act the Maid and the Magpie?—No; I think that is their proper branch.

2453. What would you say to Victorine?—I do not consider that of the same character as the Maid and the Magpie.

2454. By the regular drama, you mean comedy and tragedy in five acts?—Yes.

2455. Is not the Fatal Curiosity in three acts?—Yes.

2456. Would you have any objection to that being acted at the Adelphi?—Yes, I should; it is not necessary that it should be in five acts to be a regular drama; you may have a regular drama in three acts. There has been some complaint that tragedies have not been acted so frequently at the Haymarket; but upon looking at the books, I find that the elder Colman was acting George Barnwell and Fatal Curiosity in the dog-days, because he found tragedies at that time more attractive than comedies.

2457. Then the number of the acts is not to be the test of the legitimacy of the drama?—I think not.

2458. Then what is the proper test?—The character of the piece, where you require scenic effect and music.

2459. Is there a song, for instance, in it?—That is not enough to establish it a musical piece.

2460. How



2460. How many songs would you require?—I am not able to answer that; but I believe that Mr. Colman, the licencer, has established what is to constitute burletta; it is, I believe, five or six songs. Among managers, we regard Midas as a burletta; we regard the Golden Pippin as a burletta; we regard Poor Vulcan as a burletta.

2461. Would you consider Tom Thumb a legitimate drama?—Yes; because it was written by a classical author, and produced at a regular theatre.

2462. How many months in the year does your licence enable you to act?—The original patent granted to Foote was from the 15th of May to the 15th of September; that arrangement went on to the year 1810, when the Lord Dartmouth, the then Lord Chamberlain, increased the period to five months, making it to the 15th of October, instead of the 15th of September; afterwards, in consequence of Covent Garden and Drury Lane invading the Haymarket season, the Marquis of Hertford gave Mr. Colman and myself a licence to play seven months, and the theatre was in possession of a seven months' licence till the year 1820, when the Crown leases expired, and the theatre was pulled down. I then built up the Haymarket theatre upon the faith of that seven months' licence; being in possession of it jointly with Mr. Colman for seven years. When the theatre was built, the Crown leases were all taken under the faith of this seven months' licence; and there is a clause in the Crown lease, that it shall be nothing but a playhouse; it was a clause put in by the Commissioners of Lands and Woods to keep it as a playhouse, and the licence was seven months. As soon as the theatre was built, I went for the licence, and I played under it. In 1822, the proprietors of Covent Garden and Drury Lane made a representation to the Lord Chamberlain, the Duke of Montrose, that it was prejudicial to their interests. The Duke of Montrose then convened all the parties, and he said he should make an arrangement with us which he conceived would be better for the interests of all the parties concerned, and he then restricted me from playing the seven months to playing only four months in the year, giving an understanding, which was registered in the Lord Chamberlain's office, that three out of the four should be played without opposition, that the other two theatres should be closed from the 30th of June to the 1st of October. This arrangement lasted for two years. I protested against it, because I thought it was prejudicial to the interests of the theatre, having built up the theatre upon the faith of the seven months' licence. I was ordered to attend at the Lord Chamberlain's office; the proprietors of Covent Garden and Drury Lane appeared, and Mr. Charles Kemble was the spokesman, and he said that the arrangement which had been entered into by the three theatres was prejudicial to their interests in whose favour it was done. The Duke of Montrose seemed surprised at this, as it was done with a view to their accommodation, but he said, if they did not like to abide by it, he had nothing further to say to them. He walked out of the room, and he immediately ordered a letter to be written to me, to say that I might immediately make my arrangements to collect my company, and play the whole of the seven months under the licence that I had built the theatre upon. I went on three years after the licence had been restored to me, till the year 1824, when, to my astonishment, I received an order from the Lord Chamberlain's office, that I was no longer to proceed under that licence, but that I must revert to the restricted licence, so that I have had the licence twice restricted, and no reason whatever assigned for it, and since that time I have been acting under the restricted licence.

2463. Then it would appear that Covent Garden is infringing upon your rights?—Covent Garden theatre is now going to do what they never did before, that is to open in the winter with a French company, and with increased attraction.

2464. Though it has not been their custom, do you dispute their power to do so?—I think it can scarcely be supposed, when the patents were granted to Covent Garden and Drury Lane, that they were to act French plays.

2465. If your licence permitted you to remain open the whole year, would you avail yourself of it?—Certainly; it is the restriction I complain of. I think as I hold a lease of the Crown, and the licence of the Crown, they should be co-existent.

2466. Then suppose the monopoly were done away with, and all the minor theatres were permitted to play legitimate drama, would you consider it a compensation for any loss you might sustain, by being permitted to play all the year round?—I think, if they were all allowed to play legitimate drama, it would be injurious to me.

2467. Would you not have all the year instead of seven months?—Part of the three months I have had have been unopposed; the state of the drama has never

Mr. D. E. Morris.

27 June 1832.



Mr. D. E. Morris.

27 June 1832.

been such as it is at present. I have now an Italian licence, and a French licence, and a German licence, all playing opposite to me.

2468. Then you consider yourself very ill-used?—I do.

2469. When your patent expired had you any greater claim to the renewal of that patent, or to a Royal licence, than any other individual in the community?—It was done by favour. An arrangement was made before the death of Foote; Foote was ill a year and a half before he died; he treated with the elder Colman for the sale of his theatre; Colman agreed to give him 1,500 *l.* or 1,600 *l.* a year for his interest in it; and I understood he obtained from His Majesty a promise, not of the renewal of the patent, but that he should have the same powers under a Royal licence. Foote died the first half-year, and Colman got the Haymarket for 800 *l.*

2470. When a patent has expired, has the individual any claim more than any other individual for the renewal of that patent?—Unless he has a promise of renewal of the patent in another form, which I understood the elder Colman had from His Majesty. Instead of the patent, he gave him his Royal licence to continue all the powers of the patent, but that the form of it should not be a patent, but by a Royal licence, and from that time to the present it has been continued by an annual licence.

2471. Which it is in the power of the Crown to refuse you?—Yes; but there has been no disposition in the Crown to do that.

2472. Do you think you have any better claim than any other person to that privilege?—I do; because I have embarked large sums of money upon the faith of that licence, and I think my claim to remuneration is as good as Covent Garden or Drury Lane.

2473. Is not your case like that of a man whose lease is expired, and who considers himself entitled to a renewal from the landlord upon the ground of the money he has expended?—It has been done precisely upon that ground; the Crown lands have been continued to me, because I have been the previous holder.

2474. Would you consider such a tenant to be greatly wronged if the landlord told him he would not renew, and that he had laid out the money upon his own hazard?—Certainly I should.

2475. Have you ever had reason to complain of the two great theatres infringing upon your rights?—It was in consequence of that that the Lord Chamberlain extended the licence.

2476. But since that period have you had cause to complain?—At the time I mention they came up to the Lord Chamberlain, and got that arrangement made, to my great loss and inconvenience.

2477. Was not your licence granted in a certain degree subservient to the interests of the two great theatres?—At the period the patent was granted, Covent Garden and Drury Lane chose to close at a very early period, and that, I conceive, was the reason of His Majesty granting a patent for the Haymarket in the summer; those two theatres closed, one of them on the 19th of May and the other on the 21st, and then the King granted the patent to Foote for a summer theatre.

2478. Then yours is, in point of fact, a summer theatre?—Yes.

2479. Do not you know that Mr. Jones, the patentee of the Dublin theatre, did not succeed in getting a renewal?—I have heard of it.

2480. Did not the Crown give the patent to Mr. Harris?—Yes.

2481. Do you yourself decide whether a play, shall be acted or not?—Yes.

2482. Do you consider the intrinsic merit of the play or the adaptation of the play to the state of your company at the time?—To the state of the company.

2483. Then do not you think it would be a hardship if there should be a work of considerable genius as a drama rejected upon the ground, not of its own intrinsic imperfections, but of its want of aptitude to the company that happened to be playing at your theatre?—It must be considered a hardship by the author.

2484. If you had written a play which was admitted to have merit, would not you think it a great hardship to have it rejected, because there was no company fit to act it in a particular theatre, and if that play could not be performed elsewhere?—It would appear so.

2485. Do not you think that some means ought to be taken to prevent the recurrence of such hardships to authors; should not the interest of the authors be considered as well as the interests of the manager?—Certainly.

2486. Is your theatre in debt to any amount?—It is not; there is a rentcharge upon it of 1,037 *l.* a year.

2487. How

2487. How much is the annual average expenditure of the theatre?—£. 10,000. *Mr. D. E. Morris.*  
or 11,000*l.* a year.

2488. What amount does it bring you in a year?—It is impossible to say that.

27 June 1832.

2489. Should you say that in the last two or three years it has been prosperous, or the contrary?—It has been declining.

2490. To what cause do you attribute it?—A great deal to the French company established in the summer, and the increased attractions at the Italian Opera-house.

2491. Do not you consider that the alterations of the hours of the fashionable world have a great deal to do with it?—I think that has something to do with it.

2492. Do you ever complain of an empty house at the Haymarket?—The Haymarket, small as it is, has never been half filled with persons that pay, and latterly not above one-third.

2493. Then, if your house is not in general half filled, and latterly has been but one-third full, it is presumed that you cannot have anything much to admire in the present system?—No; I look with great dread and apprehension to the state of things at present.

2494. How do you pay authors in general for a piece?—Sometimes a certain sum; there are no such fixed rules at the Haymarket as there have been in other places. I make it a rule while I am in treaty for a piece, to ascertain what sum is expected for it, to prevent any misunderstandings after the thing is produced, and I have acted upon that system; and whenever a piece has been particularly attractive I have frequently given a considerable sum more than I had agreed for.

2495. You complained of one of the small theatres having got possession of the Golden Calf; have you any intention of acting the Hunchback?—I have had some idea of doing so.

2496. Do you consider that that would be any sort of infringement upon the property of the theatre where it is now performed?—No; I do not consider it an infringement upon anybody's right; it is generally considered that after a play is printed it is public property.

2497. But that it is in no case the property of the minor theatres?—Certainly not.

2498. Since you are not satisfied with the present state of things, what course do you conceive ought to be pursued?—That is too weighty a question for me to throw out any hints upon.

2499. Have you any suggestions to throw out?—I have not.

2500. Supposing it were to be decided that the minor theatres should be allowed to perform the regular drama, do you think you should then be entitled to some compensation?—I think that if any property is to be injured, the persons ought to be indemnified that have embarked such large sums.

2501. Although you hold only a yearly instrument which might at any time be recalled?—There has been no instance of a licence granted in this way being recalled.

2502. If you had a greater number of months allowed you, do you think you could adapt your hours to the hours of the fashionable world, so as to act a five-act play or two farces in the course of the night?—I think it would not answer, because we have two galleries and a pit; and I think that although people might be induced to come at the late hours, it would be more injurious, in consequence of the loss that would be sustained in the galleries.

2503. Do not you think, that by doing away with the galleries, and making more private boxes, and availing yourself of all those advantages that would suit the company that would come at the late hours, you might rather be a gainer?—I think it would be a dangerous experiment to do away with the galleries in the Haymarket, and without that we could not begin later; they already complain of late hours.

*Veneris, 29<sup>o</sup> die Junii, 1832.*

THOMAS SLINGSBY DUNCOMBE, ESQ., IN THE CHAIR.

Mr. *Thomas Morton*, called in; and Examined.

Mr. *T. Morton*.

29 June 1832.

2504. ARE you attached to any of the theatres in any way, by any engagement?—I am engaged as reader to Drury Lane theatre.

2505. You are an author as well?—I am.

2506. As respects the law of the drama generally, do you think it is as perfect as it can be at present, as respects authors and dramatic literature, and the drama in general?—I think it is susceptible of improvement, particularly with respect to that of which I may be supposed to be rather a better judge, as to the rights of authors.

2507. How would you propose to improve it?—I have not considered it sufficiently to venture an opinion.

2508. Of what do you complain?—Of the theatres acting plays without the authority of the authors of those plays.

2509. That is after publication?—Both before and after; there is no respect paid, I believe, now, to either manuscript or printed copies.

2510. There is a power of obtaining an injunction against the representation of a play that is not printed?—I really am very ignorant of the law upon the subject.

2511. Do you propose, after you have parted with a play that you have written, to a theatre, that you should still retain a power over it?—I think so.

2512. To the author?—To the author, unless the author disposes of his copyright to a management, or any other person; to an author or his assigns.

2513. Do you think it would be sufficient if the same powers were given to dramatic authors, as were given to writers of books by the Statute of Anne?—I think not; because the profit to the author is the representation.

2514. But what remedy would you give an author, supposing a theatre acts a piece of his without his consent?—I really have not considered this subject sufficiently; but I think if an Act was passed to prevent any theatre from acting my play without my consent, that would be sufficient security.

2515. You must have some remedy?—That I beg leave to decline entering into.

2516. Did you ever happen to see a Bill brought into Parliament on this subject, two sessions ago?—No.

2517. Do you think authors would receive a higher price by competition, if they had that power over the theatres?—Undoubtedly.

2518. You think you would?—Yes, certainly.

2519. Do you think Mr. Sheridan Knowles would have received more for his *Hunchback*, suppose it had not become public property as soon as it was represented?—Undoubtedly; it is so popular that it would be acted I suppose in every theatre in the kingdom.

2520. Do you think the managers of Drury Lane theatre would have paid him the same sum under those restrictions?—I think it would have made no difference *quoad* his remuneration at the theatres royal.

2521. Because no other theatre has a right to act it till it is published?—I really do not know exactly; I believe the law is exceedingly loose upon that subject.

2522. But you, as an author, ought to know whether any of your plays can be acted till they are published?—Indeed, I do not know; I never attempted to prosecute any one for acting them.

2523. Do you consider the country managers would be able to afford any remuneration to the author for a play that had been acted in London?—I should think they would; they ought; and I should think they would.

2524. Even in their present state of depression?—That I cannot tell.

2525. What description of theatre do you prefer writing for, the large stages or the minor; I mean for your own reputation?—I prefer certainly, for remuneration, the large theatres.

2526. But

2526. But do you think those pieces which you have written are exhibited and do you as much credit on a large stage, or do they do you more credit on a large stage than on a small stage?—Perhaps Drury Lane and Covent Garden are rather too large for comedy, I think.

2527. Your writings are chiefly comedies, I believe?—Yes.

2528. And you think that the smaller stage is the best adapted for the legitimate comedy?—I think the large theatres are rather too large, particularly Covent Garden.

2529. For both seeing and hearing?—For hearing, particularly. Yes, for seeing and hearing, I may say.

2530. But do you not think that tragedies appear to greater advantage on a large stage?—Yes, I do.

2531. Shakspeare's plays, for instance?—Particularly.

2532. Does not the question, whether a play goes off better at a larger or a smaller theatre, depend very much on the power or force of the actors?—Certainly.

2533. A large theatre, I suppose, is rather too much for the power of a feeble actor?—Certainly.

2534. But no doubt you have known many actors, Kemble and Mrs. Siddons, for instance, appear to more advantage in a large theatre than in a small one?—I think so, in acting those heroic plays.

2535. How are copies of manuscript plays obtained without any connivance with the authors?—I believe, by the copyist.

2536. By seeing the copyist?—By seeing the copyist.

2537. They can be obtained by the audience; some one of the audience taking them down?—Certainly, very easily; there was a case, I think, where Mr. Colman, senior, brought an action against some one for acting one of O'Keefe's pieces at Richmond, the Son-in-Law, I believe. It came to a hearing, and I think Lord Kenyon, but I dare not speak positively to it, I think Lord Kenyon held that a performance was publication.

2538. That was an unprinted play, of which the proprietors of the Haymarket had bought the copyright entirely?—Yes, of O'Keefe, and it was said that it would be necessary for Mr. Colman to prove special damage before a jury; as well as my memory serves me, however, Mr. Colman failed in obtaining what he considered justice.

2539. According to your experience, what is the average remuneration obtained for a successful tragedy or comedy?—In my experience it has varied exceedingly; it is now much less than it was formerly, when the theatres were better attended, when they had not so many rivals to contend against.

2540. Do you attribute this deterioration in the value of dramatic productions to the number of theatres?—Greatly, certainly; I consider that there is but a certain sum of money that is devoted in this town to public amusements, and if there are 20 houses open to receive it, none can be very full.

2541. Do you not attribute the want of remuneration that is complained of by dramatic authors to a deterioration of the audience in point of numbers?—Yes; they cannot afford from the receipts to give the remuneration they formerly did.

2542. Do the profits obtained by dramatic authors at all bear any proportion to the profits obtained by the writers of successful novels, or any other species of writing?—Indeed, I do not know that; but certainly one of the causes of the deterioration of the drama, I should attribute to the fine talents of the country being employed in periodical literature and in novel writing.

2543. Is it not from a want of sufficient inducement to cultivate the drama?—It may be so; I cannot tell; perhaps it is the easier mode, and certainly a safer mode of obtaining literary fame.

2544. Do you not think a dramatic author, in consideration of the ordeal he has to go through, ought to be paid more than a man who publishes a book?—I find it a difficult thing to write a book; and Voltaire, I think, said, he found nothing in literature difficult but the writing of plays.

2545. When you first began to write plays, was it the practice to remunerate authors by the third night?—By the third, sixth, ninth and twentieth nights; that was the case with the first play I ventured on the stage.

2546. For what reason was that mode of remunerating authors given up?—It was given up because afterwards successful authors obtained more than that remuneration; they obtained a greater remuneration than that.

Mr. T. Morton.

29 June 1832.

2547. They obtained more by making their own bargains?—The usual thing for them was to have the receipts of these nights after the expenses, so that they stood the risk or had the benefit; formerly, it was put up on the third night, “For the benefit of the Author.”

2548. But then the expenses of the house were first paid?—They deducted the expenses of the house; when I wrote the first play, the expenses were a hundred guineas, and then I had the receipts after the payment of that hundred guineas.

2549. Did it not often happen that, from causes totally independent of the merits of the play, a very stormy night, or an illumination, or something of that sort, for instance, the receipts of the house were very small?—Oh, yes, I have often watched the clouds; very often.

2550. So that also was a reason for authors being dissatisfied with that mode of payment?—Certainly.

2551. I believe the arrangement that was made, when that was given up, was made by Mr. Cumberland, was it not?—I do not recollect; my bargains with Covent Garden theatre were very different. My object was to share in their prosperity, or to take my share in their adversity, as well as I could; my bargains were made on that principle.

2552. When you gave up that mode of remuneration, what was the bargain that you made?—The bargains were, when I ceased to take nights, I had equivalents for those nights; when I ceased to take the results of the third, sixth and ninth nights, I had, as an equivalent for those nights, a certain sum given.

2553. For each night?—For each of those nights.

2554. For the third, sixth, ninth and twentieth nights, supposing the play to be acted so long?—Yes, I have had remuneration for the fortieth night.

2555. Is there not some old arrangement considered to exist where no particular bargain is made between the authors and managers?—I believe there is now; I think it was established first at Drury Lane; I think so; I believe, under the committee, that there should be 33*l.* 6*s.* 8*d.* given each night; that would be 300*l.* for nine nights.

2556. For a first piece?—Yes.

2557. And 100*l.* more on the twentieth night?—I do not know; I never wrote at that time for Drury Lane.

2558. Do you consider that that arrangement only existed at Drury Lane and not at Covent Garden?—I do not know; I had never a play brought out in which that arrangement was attended to.

2559. With regard to an afterpiece, what was the remuneration for that?—I really do not know; I have had 200*l.* for the farces I have written. When the *Children in the Wood* was produced, I had the receipts of the six nights, amounting to that sum, but then Mr. Colman gave me 50*l.* for the copyright; and also when I produced a farce last summer, or two years ago, at Mr. Morris's theatre, I had 150*l.* for it, I mean Separation and Reparation, and reserving, what happened to be of no value, the copyright, to himself; but with regard to *A Roland for an Oliver*, and the *Invincibles*, I have had 200*l.* for them.

2560. How often was it acted?—They have been acted many times.

2561. More than the twentieth night?—A great many more.

2562. So that 400*l.* was generally the remuneration to an author for a successful first piece under 20 nights?—That was it, if there be a general rule.

2563. At what theatre was that?—At Covent Garden.

2564. Have you ever written for any minor theatre?—Never.

2565. What was the general price you got for a play for publication; for a successful comedy?—The lowest price I got was, I think, 100*l.* or 90*l.*, and the highest 300*l.*

2566. From the publisher?—No, I had it from the theatre; Mr. Harris, senior, thought it to his interest to buy the copyright from the author, and then to hold it back and not publish it for a given time, thinking, probably, that the reading would prevent people from coming to see it.

2567. Then Mr. Harris got it from the publisher?—He bought of the author, and then he sold it to the publisher, Longman's, giving them an allowance for the delay; he thought it to his interest to keep it back. For instance, *Speed the Plough* was not published till more than a year after it was performed.

2568. Was that represented at any other theatre; was it pirated in any way?—Oh, yes, in the country.

2569. You



2569. You think that ought to be restricted?—I think so.

2570. Do you consider that if a play was pirated and acted in the country, it would be worth the author's while to bring an action against the manager?—It would not.

2571. Do you consider it possible to give any summary remedy before a justice of the peace, to enable an author to recover?—Upon my word, I had rather not say anything about that.

2572. Did you ever happen to sell a piece out and out before it was represented at all?—Oh, yes, frequently; at least in more than one instance.

2573. What was the general sum for that?—That entirely depended on the situation of the theatre; if the prospects of the theatre were very brilliant a larger sum was given; but if they were in a state of depression, a reasonable allowance was made for that.

2574. That depended also on the merits of the piece?—That the manager judged of, I suppose.

2575. You have seen some of your successful comedies that have been acted at Covent Garden or at Drury Lane, acted at the Haymarket, have you not?—I have a particular feeling about that; I do not like to see my own plays acted.

2576. Do you mean to say you never see them?—I mean to say I never do.

2577. But suppose you were obliged to go and see them, on what stage should you prefer seeing them acted by the same company, Drury Lane or Covent Garden, or the Haymarket; I mean with regard to the size of the stage?—I think that Covent Garden, particularly, is too large, as I said before; I think it is larger than Drury Lane; at least you are farther removed from the front of the stage, which is a disadvantage; but I think the Haymarket theatre perhaps is rather too small. I think in a theatre a size beyond that of the Haymarket theatre you would hear and see perfectly well, and not have the disadvantages which you have in a small theatre. I think you are too near in the Haymarket theatre.

2578. Your compositions, of course, have been submitted to the licenser, Mr. Larpent?—Yes.

2579. Has the power or duty of examiner of plays, in your opinion, been exercised capriciously at all?—Not at all.

2580. Never?—There have been slight objections made to expressions, but they were of no value.

2581. Do you think those objections were valid or frivolous?—Mr. Colman always explained to me, "I have taken out this; I have taken an oath that I will do so."

2582. The licenser takes an oath, does he?—Yes, I believe he does, for the due administration of his office of licenser; and the Act, I believe, compels him; or at all events he takes a general oath to fulfil his office.

2583. And were those corrections which he made followed by the performers?—Yes, I think so.

2584. Do you recollect any of the phrases that were erased?—Any oath, or any very strong political allusion.

2585. Can you recollect any that were erased from your plays?—No, I cannot. I remember Mr. Larpent objecting to the word gammon being put into a play of mine.

2586. On what ground?—He said there was a gentleman in Hampshire who had been very much hurt by a play of O'Keefe's; I think it is in *Wild Oats*; "What is your name?"—"Gammon." "Then you are the Hampshire hog." This rather hurt his feelings; and if it offended an individual's feelings, there was of course no harm in removing the word.

2587. Mr. Gammon happened to be acquainted with Mr. Larpent?—I suppose he represented it was disagreeable to him. I never had a very important alteration made.

2588. Do you think generally the censorship of the licenser is any obstacle to the well-being of the stage?—I think it is highly essential to the well-being of the stage that such an officer should be appointed.

2589. I think you said you considered the competition of the minor theatres had been injurious to the profits of the patent theatres?—I think so.

2590. Do you not suppose that is only one out of many causes, for instance, the alteration in our hours?—Oh, yes, certainly.

2591. And the attendance on the Court?—Certainly.

Mr. T. Morton.

9 June 1832.

2592. And the strong religious feeling must also be considered?—Yes, certainly; no doubt about it.

2593. And when you say only a certain sum of money is expended in amusements, should you not be of opinion that that sum of money would increase with the population of the capital?—Yes, with the population of the capital doubtless. I do not mean to say a specific sum is devoted; I mean an annual specific sum according to the happiness of the country, and its peace and comfort, and its attention to dramatic literature.

2594. But as the population is considerably increased, probably that sum is considerably larger than it was some years ago?—I should think it would increase in ratio to the population.

2595. Have you anything else to suggest or to say to the Committee?—Not a word.

Mr. Thomas Potter Cooke, called in; and Examined.

Mr. T. P. Cooke.

2596. ARE you the proprietor of any theatre?—No.

2597. You are a performer at the Coburg?—I have been recently at the Coburg theatre, for the last fortnight.

2598. You have played at most of the theatres?—Most of the London theatres.

2599. What sized stage do you prefer for your powers of acting?—I should prefer a medium sized stage certainly, not too small; I think it depends entirely on what you are acting, as to the size of the theatre.

2600. You have played at the Adelphi, I think?—I have, a great deal.

2601. You found that theatre too small?—For serious acting, I should say, it was too small, for effect in spectacle and melo-dramatic acting; but certainly not for recitative.

2602. Is the Coburg as large as Drury Lane or Covent Garden?—It is a very large stage, but as to the actual dimensions, I cannot say; but it approaches very nearly to Drury Lane and Covent Garden as to the width of the proscenium.

2603. You are aware of the law as respects the drama at present, that these minor theatres are not allowed legitimately or legally to play the legitimate drama?—Certainly.

2604. What would be the effect upon those great theatres, or upon the drama, if all the minor theatres were legally allowed to play the drama?—Why, I could scarcely venture an opinion what would be the effect on the larger theatres; but I should think it would be most desirable that the smaller houses should be guaranteed in what they are now doing, that is to say, in melo-dramatic acting.

2605. But supposing the minor theatres had a licence to act what they may think fit, do you think they would act the regular drama, such as tragedies and comedies, in preference to the melo-dramatic performances which they are now acting?—Certainly, I should think not as matter of private speculation.

2606. How many of those persons do you think, who attend the Coburg theatre, would go to the large theatres; suppose the large theatres were open, do you suppose many of the persons who form the audience of the Coburg theatre would attend the great theatres?—I think it very possible that many of the audience of the gallery might be thrown on the gallery of the other theatres; but with respect to the Coburg audience, I think it is almost restricted to that theatre.

2607. Filled by those who live in the neighbourhood?—Yes; speaking as I feel of the character of the audience of the Coburg, which is within so short a distance of the Surrey; in the Coburg, you find the character of the audience essentially different.

2608. Then you are of opinion that the theatres on that side of the water do not materially injure the receipts of the great theatres?—I should certainly think not; I should think they are in a great measure supported by the surrounding neighbourhood.

2609. Are the boxes also filled by the neighbourhood, or only the gallery?—We have generally found the receipts in the boxes very slight indeed, compared with the pit and gallery.

2610. What does the Coburg theatre hold?—I should imagine, at the time that Mr. Glossop had it, nearly 250*l*.

2611. You think the theatre would hold that if it was quite full?—Yes, probably approaching to 300*l*.; I cannot speak as to figures, but I think I have had 250*l*. at a benefit there, or nearly so.

2612. In

Mr. T. P. Cooke.

29 June 1832.

2612. In acting at the large and small theatres, do you find much difference in the necessity of exercising your voice?—No, I can speak practically as to that; I was playing a little while ago at the Pavilion theatre, at Whitechapel, and on the same evening I played at Covent Garden.

2613. And did Covent Garden require more voice?—No; I was quite astonished; I found I was almost speaking too loud at Covent Garden theatre.

2614. What size is the Pavilion theatre?—It is approaching very closely to the size of the Haymarket theatre. That may be from the peculiar structure of Covent Garden theatre.

2615. Did you ever find any difficulty or want of liberality on the part of the great theatres in giving engagements to yourself?—I have no reason to complain, but on the contrary; I have received a larger salary at Covent Garden than I ever received in my life; I received 60 *l.* a week there.

2616. Suppose you were not engaged at a minor theatre, you would not be excluded from the great theatres?—That is quite a matter of question; my talent might not be in requisition. It is quite a question with me whether they would engage me for a permanency, my talent not being of that description which can be made generally available.

2617. Then you of course not being engaged by them, would feel it a great hardship not to have the field open to you with regard to minor theatres?—Most unquestionably I should.

2618. What do you think would be the effect of a greater number of theatres upon the profession of an actor; do you think it would be beneficial to his profits, and to the respectability of the profession generally?—Judging from the present moment, I never knew a time when so many theatres were open in London as at present; and I never knew a period in which the profession perhaps was at so low an ebb. I mean to say, when so many professional persons were out of employment.

2619. How do you account for that?—I think it may be accounted for in some measure by the number of theatres that have opened recently; for example, there are two theatres now at Paddington, and they will get a feature, what is termed a starring feature, and all the other subordinate parts are filled up by persons who never put their foot on a stage before, and persons who have a great desire for the stage, shopmen and others, that they get almost for nothing; the consequence is, that in progress of time these persons evince some degree of talent to fill up the subordinate walks, and so place others out of employment.

2620. You suppose multiplying the number of theatres would greatly tend to lower the salaries and profits of actors?—I think it would tend to degrade the dignity of the drama, if I may so express it. I think it exceedingly desirable that the number of those theatres which have been established, perhaps should be established by law.

2621. I suppose you consider the profession to stand as well before the public in point of respectability as it ever did, at this moment?—Yes, I have no question about it, at least in my recollection.

2622. What size are those Paddington theatres?—I never visited them; but I think they are exceedingly small; I saw the exterior of one of them, it seems to be built of weather boards, a trumpery building; it is up a gateway.

2623. Those are theatres which are not very likely then to interfere with eminent performers like yourself; you would not condescend to play in them if they were to offer you?—I have been offered an engagement, and have declined.

2624. And therefore they have some difficulty in getting stars, I suppose?—I suppose they have.

2625. Then I cannot see how they can interfere much with other theatres?—No; they can do very little injury to the larger theatres, decidedly not; for I think there is a neighbourhood round there, that in time a theatre would almost be wanting there; in Paddington and the western part of the metropolis there is an immense neighbourhood.

2626. Do you know anything of the Finsbury district?—Very little; I have played at the City Theatre.

2627. What sort of an audience have they there? As to number?—I have played there once or twice. I have only played on benefit nights, therefore it is scarcely fair to calculate from that.

2628. Have you played there to respectable audiences?—It is impossible on the stage to judge; they seemed exceedingly kind and well-disposed, a gallery kind of audience.

Mr. T. P. Cooke.

29 June 1832.

2629. Then there is a plentiful supply of young actors always ready to come forward?—From that school; but I should think the school is a very bad one.

2630. From what source generally have the actors in the large theatres been supplied; from the minor theatres in the metropolis, or from country theatres, or where from?—Latterly many of the actors have been supplied from minor theatres, certainly a great many have been; I could enumerate some; Mr. Keeley, Mrs. Fitzwilliam, who has been at Drury Lane, and Mr. Power is another instance.

2631. Has it not generally been the case that the best provincial theatres have been considered as the best schools for actors?—Yes, in the early part of my professional life, because the minor theatres in London were so restricted, that you could not open your mouth in them, except in recitative.

2632. But the most eminent performers have come from provincial theatres; Mr. Kean, for instance?—Yes, he was from a provincial theatre.

2633. Is it not more probable, considering the provincial theatres have the power of acting the legitimate drama, and do act it, that that should be a better school than a minor theatre with their present performances?—Some of the leading provincial theatres are considered so; but from their having adopted lately the most attractive pieces, the melo-dramatic pieces of London, the school there is broken up in a great measure for what is deemed the legitimate drama, tragedy and comedy.

2634. Then the result is, that the legitimate drama, consisting of tragedy and comedy, is not so attractive as melo-dramas and spectacles?—I believe not, I have been told so.

2635. I believe formerly strolling was considered a good beginning?—Yes; you can scarcely name any actor who has not been a strolling player.

2636. Perhaps you may not know that strolling companies are pretty nearly abolished all over the kingdom?—There are very few, I believe, who do not obtain regular licences for acting in their respective towns.

2637. Those that were licensed by the magistrates for 40 days?—I believe that is only abolished; indeed, those that have regular licences have not been very successful lately.

2638. Under what authority do those travelling theatres at fairs, Richardson's and others, perform; what licence have they?—That I am not acquainted with; they have merely the licence that is given to all the booths of the fair, for the three days, I believe.

2639. They come generally under the regulations of the fair?—Under the regulations of the fair.

2640. Do you not think that the minor theatres in London would be a better school than the provincial theatres; that the test of the metropolis would be much better for rating, if you consider it rating, to be engaged at patent theatres?—Actors prefer, generally speaking, coming through the provinces, because a minor theatre is not so good a stepping-stone as being perfectly unknown to the metropolis before you arrive. I question whether Mr. Kean would have made so great a sensation in London if he had gradually risen in a minor theatre.

2641. I believe Mrs. Siddons first acted in a strolling company?—Yes.

2642. Miss Farren?—Yes.

2643. And Miss Mellon also?—So I have heard.

2644. The York theatre has been a great nursery?—A very great one, and the Bath theatre recently, and the Dublin theatre; Miss O'Neil and Mr. Conway.

2645. And Liverpool?—And Liverpool.

2646. Have you witnessed the performance of Mr. Kean on both stages?—I have.

2647. On which stage do you think he appears to the greatest advantage, the stage of a patent theatre or of a minor?—If I speak from my own feelings, I like him best on a large stage. I judge of him from acting by him, close to him.

2648. Is the Haymarket large enough for him?—I have been recently told that his powers are somewhat diminished in voice.

2649. From what you have seen of him, you think him quite as effective on a large stage?—I should think the style of serious acting required to be looked at at a distance rather than close, for I think when you look at it close there is a species of exaggeration about it.

2650. Do you think the Adelphi theatre too small for such melo-dramatic pieces as *Luke the Labourer*?—That is a domestic piece. We have played exceedingly easy pieces, such as the *Pilot*; indeed, they have aimed more at expense and show, but I should not say it is calculated for it.

2651. Do



2651. Do you not think that the Pilot would have appeared to greater advantage if it had appeared at Drury Lane or Covent Garden?—It was afterwards at Covent Garden, and I can scarcely judge the effect of it; we can judge the effect of it at the Adelphi; the run was prodigiously great.

2652. It rather failed at Covent Garden?—No, it did not fail, it was turned into an afterpiece.

2653. Where do you think Black Eyed Susan had most effect?—I think at the Surrey theatre, which I think is admirable as to its size.

2654. How much smaller is the Surrey than Covent Garden?—I can scarcely say what the span of the stage is; I should say about one-third smaller.

2655. Can you tell what is the average price paid at these small theatres for a melo-dramatic piece?—I can scarcely tell; they have been paid, I have heard, so variably; sometimes pieces have been purchased, at another time the author has been under a regular salary for the theatre, and written what pieces were wanted.

2656. So that you can state no average?—No.

2657. Have you no general suggestions that you wish to make to the Committee?—Nothing; only, mixed up as I have been in the early part of my profession, and attached to the minor theatres, I am, as every one else is, most anxious that they should be guaranteed the right of acting melo-dramatic entertainments; at all events, my general feeling is, that it would be better if a certain number of theatres were licensed for that description of entertainment.

2658. You would have them classed?—That is my feeling.

2659. And you do not think it would be to the advantage of the drama to throw everything open, and to let every theatre act what they choose?—Judging from what I see at present, there is no restriction; but if any of the minor proprietors felt it would be more advantageous to them to play the regular drama, they would do it.

2660. Would it be advantageous to the drama, do you think, to let everybody act as they pleased?—No, I think not; and it would be most destructive to any property that was embarked in it.

2661. You are aware, I suppose, that any one night that you have been playing at the Coburg, you are liable to a penalty of 50 *l.*?—I have always felt that.

2662. It never has been enforced against you?—It never has been enforced against me.

2663. You feel that you are liable to it?—I have always felt it.

2664. Then you consider it would be no great advantage to minor theatres to allow them to act Shakspeare?—I cannot say; but judging from what I feel at present, I think not; I know we have frequently acted them, but have not found them the most productive species of performance; they have not been so productive by any means as melo-dramatic pieces.

2665. You said you would rather have a licence for the whole; I suppose you mean you would like to have as large a licence as you could?—Yes, I should like to have as large a licence as I could.

2666. But you have not found that description of performance so productive as melo-dramatic pieces?—Certainly not; the regular tragedy and comedy has not been nearly so productive as melo-dramatic entertainments.

2667. If there is novelty?—Yes.

Mr. David Edward Morris, called in; and further Examined.

2668. I THINK you said you had it in contemplation to play the Hunchback? —Yes. Mr. D. E. Morris.

2669. Do you consider it would be any violation of good faith between your theatre and Covent Garden?—I should conceive that I have a perfect right to play it, the play having been published.

2670. You think, then, you have a right to play it on account of the publication? —Yes, that after the publication it becomes common property to those theatres who have a right to play the regular drama.

2671. Was not there a general sort of understanding between those patent theatres, that one of them should not act a play which had been brought out at the other of those theatres for a season or two?—I am not aware of it.

2672. You obtained an injunction against Covent Garden once to restrain them from playing X. Y. Z., which was brought out at your theatre?—Yes, an injunction was obtained by me against the Covent Garden proprietors for playing that



Mr. D. E. Morris. piece, because it was written by Mr. Colman, and paid for by the Haymarket proprietors, and an injunction was prayed for it on the night they announced to play it.

29 June 1832.

2673. Had it not been published?—No, it never was represented; it was sold; the money was received; it was sold to the Haymarket theatre, and money was paid on account of it.

2674. But it never had been represented?—No; the real fact was, that Mr. Colman had received certain sums on account of this play, of the Haymarket proprietors, and he afterwards sold it to the Covent Garden proprietors; and I proceeded against the Covent Garden proprietors to restrain their acting it, and an injunction was obtained against them; and it was only suffered to be played on the very night on which the injunction was obtained, on condition that they should be liable to me for the receipts, for any profits that might arise from it.

2675. Did you not make another application once, for another play of Mr. Colman's, that Covent Garden was anxious to represent, and also obtained another injunction; was it *Paul Pry*?—There never has been any legal proceeding on the subject of *Paul Pry*, in any case; it is a very recent production.

2676. It never has been played at Covent Garden?—Not at Covent Garden; it has at Drury Lane, by permission.

2677. The play is not published?—No, it is a manuscript belonging to the Haymarket theatre; it was played, I believe, at Drury Lane theatre for half a dozen nights, by permission.

2678. It is played in the Opera?—Yes.

2679. Is that by permission?—No; they have not a right to play it.

2680. I believe it has been the practice of the Haymarket theatre to buy the copyright of plays?—Several plays; it has been the practice.

2681. Can you mention some instances?—Particularly O'Keefe's works: the *Son-in-law*, the *Agreeable Surprise*, *Peeping Tom*, the *Young Quaker*, and several other plays that belonged to the Haymarket theatre.

2682. Those are four of O'Keefe's that are not published with his works?—Yes.

2683. On an average, how many plays are offered to you for performance in the course of a season?—Perhaps 100 or 150 plays and farces; one and two and three act pieces.

2684. How many do you in general bring out in the course of a season?—Perhaps five or six only.

2685. You once, I believe, had an action brought against you for losing a play belonging to some author?—Never; I never had a play, that I recollect, lost at the Haymarket; I am particularly careful.

2686. Could you suggest any plan by which authors could be better remunerated for their productions, without injury to the theatres?—I cannot; I think that authors are better remunerated now than they formerly were; they are a great deal better remunerated now than they were 20 or 30 years ago; they are more sure of the profit; they go on safer grounds.

2687. But are their profits larger?—Certainly, as far as my experience would give me to understand. I have referred to the old books of the Haymarket theatre, which are in my possession, since the days of Foote down to the present time, and I find that the sums given to some of the most successful authors of those days, O'Keefe, for instance, and others, are by far less, perhaps one-third less, than the sums given to an author now.

2688. What was the sum given for those four pieces that were bought out and out, and not published?—The farce of the *Son-in-Law*, written by O'Keefe, the sum paid for that was 40 guineas; it was produced in 1779, and the sum paid was 40 guineas; it is a manuscript, now belonging to the Haymarket theatre.

2689. I believe that piece had a very great run?—Immense at the time.

2690. And was nothing paid further than that?—Nothing was paid further than that. Another piece, a play called the *Summer Amusement*, written by Mr. Andrews; this was a regular full play; and in the year 1780 he received 64*l.* 10*s.* for it.

2691. I believe that play was not acted many nights?—Yes, it was acted for several seasons; the sum paid for that was 64*l.* 10*s.* Then in 1781, the following year, another successful farce of Mr. O'Keefe's was played, called *Dead Alive*, in which Edwin, the celebrated Mr. Edwin, was particularly eminent; and the sum

for

for that was 40 guineas: then in the following year comes the still more celebrated and successful piece, called the Agreeable Surprise, which is still a Haymarket manuscript; the sum paid for that was 40 guineas; so that here are three farces of O'Keefe's, which were all most successful, and they all appear to be remunerated at the same rate.

2692. Those sums were paid by agreement, not according to the receipts of the house?—I cannot tell precisely; but these were the sums absolutely paid for them. I conceive at the period these sums were paid the authors had no certainty of receiving anything at all, but they went upon their chance of the profit on the sixth night of representation. At this period (I am now speaking of the farce), the remuneration to an author, or rather his chance of remuneration, was whether there was a profit on the sixth night; for that night was called the author's night of the farce.

2693. Not the third night?—No, it was on the sixth night; he had no profit till it had been played six nights; if it run six nights, then he received whatever sum there was, after deducting the expenses of the house; the receipts of the house at that period were 60*l.* At that time, the highest salary given to the most eminent performer was 10*l.* or 12*l.* a week. I remember John Kemble when he came out, at a much later period than I am now instancing, when he came out in Octavian, in Colman's play of the Mountaineers, his salary was 12*l.* a week, and no more.

2694. What were the prices then?—The prices were the same as they are at present; we have never varied them since the days of Foote.

2695. Was the theatre much smaller than it is now?—The difference was somewhere about 40*l.*; the old theatre held 280*l.*, and we have had 320*l.* in this.

2696. Has not Mr. Colman received a large sum for some of his plays; has he not received 1,000*l.*?—I believe something very near that for the Africans; but the Covent Garden people have set the example of giving Mr. Colman an unprecedented sum, which he never received before, which was 1,000*l.* for John Bull; but then it must be added, that no play ever succeeded to the extent that John Bull did; I understood that they cleared 16,000*l.* the season Mr. Colman brought out John Bull.

2697. Was that 1,000*l.* paid in consequence of an agreement made before it or not?—It was in consequence of the success, I believe; in consequence of the great success.

2698. Do you know how many nights it was played?—I do not; I made no memorandum.

2699. Had Mr. O'Keefe any permanent engagement for the Haymarket theatre?—None whatever; I have some memorandums of other pieces, if you wish me to state them.

2700. If you please.—Now we come to a regular comedy written by O'Keefe, the Young Quaker, which is a five-act regular comedy, a full play, and he received for that 102*l.* 12*s.* Then I conceive that for this regular play he must have stood on the then understanding, that for a five-act comedy he should have the profits of three nights, the third, the sixth, and the ninth. I see by the sum running up to an odd sum, 100*l.* and a fraction, that must have been the amount of his profits for three nights; and the understanding at that time was, that he was to have the surplus of the profits for three nights, after deducting the expenses of the house.

2701. Have you any other memorandums?—Then came another piece of O'Keefe's, Peeping Tom, for which I see 50*l.* was paid; then here is another piece by the same author, in which Edwin was very successful, a piece called the Beggar on Horseback, he only received 30 guineas for that; it was not so successful as the rest, and he only received 30 guineas for it.

2702. When was that?—That was in 1785. Then here is the Children in the Wood; I believe that came out in 1794, and the sum standing in the Haymarket books that he received was 61*l.* 8*s.*

2703. Have the kindness to state what you paid to Mr. Poole for Paul Pry?—These contracts are generally matters of honour between the managers and authors, and they may not feel disposed to have them published exactly.

2704. The author giving you his consent, you will have no objection to mention it?—Certainly not.

2679.

Mr. D. E. Morris.

29 June 1832.

2705. Any questions that have been put to Covent Garden or to Drury Lane have been answered, I must say, most explicitly by them, without the slightest reserve, both with regard to authors and their receipts, and therefore we are only asking you the same questions as we put to them, but you decline informing the Committee?—I think it was 400 *l*.

2706. Was that by a nightly payment or by agreement?—The real fact is, I purchased the copyright; I purchased the piece out and out, taking my chance of it; it was a hit-or-miss piece.

2707. Was 400 *l*. paid for it at once, or was it paid in consequence of the success of it?—It was paid in different sums, fifties and hundreds; but the actual sum that I bought the piece for, taking it on myself whether it succeeded or not, taking it as you would buy a lottery ticket, whether it turns out a blank or a prize, I gave him 150 *l*., which was the sum he asked; the remaining sums were paid by me on account of its great success, as the Covent Garden people paid Mr. Colman on account of the success of his *John Bull*; but the property of it was in the Haymarket theatre for that sum, if I had pleased to go no further.

2708. Sweethearts and Wives?—I think a similar sum was paid for that.

2709. And those authors were highly satisfied?—I have every reason to suppose they are; and I believe that is as much as Covent Garden has given to Mr. Knowles for his *Hunchback*.

2710. Upon the whole, do you conceive an increased remuneration which is now given to authors is sufficient for the labour and talent they exert, and the severe ordeal they have to go through, compared with the general rise of prices since the time of O'Keefe?—Indeed, at the Haymarket we have not been able to establish so regular a scale of remuneration as they appear to have done at Covent Garden and Drury Lane. In the first place, the season is very restricted; in the next place, the house holds only half as much; and we do not, speaking generally, though I have given two instances where we have given as much in cases of great success as at the winter theatres, but generally speaking, I do not think the Haymarket has been able to give so much as Covent Garden or Drury Lane; but still it is my rule, before I produce a piece, to come to an understanding with an author as to what remuneration he expects, and the thing is settled before the piece comes out.

2711. Are you aware of the prices paid for works to be published, novels and such things?—I have had very little experience in those matters.

2712. You cannot tell whether you think the remuneration paid to dramatic authors is sufficient to invite ample talent to engage in it when there is a field of publication otherwise open to them?—I am not competent to say; I do not know the sums that are given.

2713. Do you suppose if the managers of all country theatres were obliged to agree with an author before they were allowed to represent a play of his which had been acted in one of the London theatres, his profits would be materially increased?—No; I should think the scanty and uncertain audiences of provincial theatres would enable them to pay scarcely anything; if anything, it would be a very inconsiderable sum, and when it was offered, it would be hardly worth a gentleman's consideration. I should conceive also they would have the greatest difficulty in getting the money from a provincial manager, and from the uncertainty and thinness of their audiences, they could not afford it. At all events, they could not afford to give any considerable sum; it must be the smallest sum, and obtained with the greatest difficulty.

2714. Do you consider any material profit would be obtained from other London theatres, if they were obliged to pay an author for the representation of a successful piece; suppose a piece were brought out at your theatre, and Drury Lane or Covent Garden, before they acted it, were obliged to treat with the author, do you conceive any material profit would accrue to the author from that circumstance?—I should think not.

2715. It would not be their wish to do it perhaps?—I think not.

2716. In the case of a successful piece, it would not be worth a provincial manager's while to pay 10 *l*. or 20 *l*. for the liberty of acting it?—Perhaps in some of the principal provincial theatres, such as Bath, Norwich, Liverpool, Edinburgh and Dublin, or other theatres that have a patent, I should think it would.

2717. If you were about to produce the *Hunchback*, would it not be worth your while to pay a sum of money for it?—I do not know that it would, having been so frequently acted, and so recently acted. I have not at all made up my mind to do it.

2718. You

2718. You would rather have it for nothing, I suppose?—I certainly should not produce it unless I had; I should not give any sum for it. Mr. D. E. Morris.

2719. You would not think it worth your while to pay 50*l.* for it, with a new Hunchback, with Mr. Kean to play the Hunchback?—Perhaps I might be induced to give 50*l.* if I could get it well cast, and there was a chance of success; it would be a speculation.

2720. What is the origin of the first licence?—The Haymarket originated in a Royal patent, not in a licence; I have a copy of it with me, if you wish to see it.

2721. Was it given to Foote?—Yes, it was given to Foote for his life; a Royal patent by George the Third, to Foote, for his life.

2722. Can you produce it? [*The Witness delivered it in.*]

2723. Is it to act every thing?—To collect a company of comedians. I believe it runs in the same words as other patents do.

2724. Is it ever a part or article of an engagement of any of the performers who may be engaged by Drury Lane or Covent Garden, that they shall be restricted from playing at your theatre?—Under a recent understanding from the Lord Chamberlain, the Covent Garden and Drury Lane proprietors cannot refuse their actors playing at the Haymarket from the 30th of June till the 30th of September.

2725. During those three months?—Yes.

2726. But do they ever prevent them afterwards when your theatre remains open?—They are engaged there generally, and whenever they want them they call them off; they can only play by permission.

2727. I believe Foote was acting without any authority before this patent was granted?—I believe there was something like giving tea in the morning; there was something he had before the patent was granted.

2728. Something like Mathews's performances?—Yes.

2729. You say the principal theatres, Brighton for example, have been playing Paul Pry, which you consider an infringement of your copyright; if the Brighton Theatre has the power of doing it, why has not Drury Lane or Covent Garden?—They have not any power, they have the temerity to play it; but they are liable to have an action brought against them at any time.

2730. But it appears by Lord Kenyon's decision, that an action would not hold good against any theatre, *Colman v. Wathen*. That was about O'Keefe's Agreeable Surprise, was it not? Colman brought his action, and got a verdict with nominal damages, in order to raise the question. Then there was a motion made to set this verdict aside, and then Lord Kenyon, chief justice, held that the action could not be maintained; that repeating anything from memory was not publication within the statute; and therefore any person has the power to employ a short-hand writer?—But you get an injunction, and injunctions have never been refused whenever they have been prayed for. Covent Garden or Drury Lane formerly played several pieces belonging to the Haymarket theatre. I applied to the Court of Chancery, and prevented their playing most of the pieces I have named to you, Peeping Tom, the Agreeable Surprise, the Son-in-law, and particularly in the case of the Young Quaker, which was put up to be played by Mr. Arnold, who had only a licence for English Operas.

2731. If you were to apply for an injunction against provincial theatres, you could get it?—You must establish your legal right to it, and then an injunction has never been refused.

2732. Was there any agreement with the other patent theatres at the time of granting of this patent?—I am not aware of it.

2733. When Foote died, how was the theatre gone on with?—The elder Colman entered into an agreement with Foote before his death, to purchase the Haymarket theatre. I am told that was done with the consent of His Majesty, and when the patent expired all the powers of the patent were put into a Royal licence, which was taken out annually from the Lord Chamberlain. Since then we have been playing under a licence instead of a patent, but the powers of the patent are kept alive to the present time.

2734. You have been playing ever since that time under a licence from the Lord Chamberlain?—Under a licence from the Lord Chamberlain.

2735. And you consider yourselves empowered to act every branch of the drama?—Every branch.

2736. You were understood to say on Wednesday last that the Lord Chamberlain had licensed Mr. Laporte to play French plays at Covent Garden; what I wished to ask was, whether you are aware that he is able to act them, without



Mr. D. E. Morris.

29 June 1832.

a fresh licence, under the patent, and whether you mean to state that the Lord Chamberlain has given a separate licence for that purpose?—I did not mean to state that the Lord Chamberlain had given a fresh licence to Mr. Laporte; I only stated, I understood it was acquiesced in.

2737. Are you not aware that he has that power without any fresh licence?—I should not conceive that, acting under the patent, he had a power to act French plays.

2738. All that he has the power to act is Italian operas, I understand?—Yes; one can do nothing more than suppose that when those patents were granted, they could not be supposed to be granted to play French plays instead of English.

2739. If they have the power, you have the power also?—If their patents run in the same spirit which Foote's patent does, which is to collect a company of performers and play plays. I could not conceive that under my licence, which is in the spirit of Foote's patent, that I have the power to play French plays without a fresh licence.

2740. If there is no specification to the contrary, I do not see what could deter you; it is a new case?—It is a new case, I conceive.

2741. Have you ever considered the question, whether, under the Acts of Parliament, you think there is any doubt whether the Lord Chamberlain has any right to license a play in a foreign language?—I have never seen the warrant of the Lord Chamberlain's appointment, and without seeing the warrant you cannot tell; and perhaps then you might not be able to define what his powers are exactly.

2742. What do you mean by his warrant?—The appointment of the Lord Chamberlain. The present Lord Chamberlain has granted licences that no other Lord Chamberlain ever did; he has granted licences to persons applying for them, which other persons had refused. I know myself, that I have seen a letter signed by the Duke of Montrose, where he would not licence any French plays. I have also heard that applications were made to the late Lord Chamberlain for a licence to act German plays, which was refused. I have heard that these applications were made to former Lords Chamberlain, and that they never would grant it. I can only suppose that it is because they fancied they had not the power to do so, or else that they might have a spirit or wish to preserve perfect established property.

2743. I believe it is generally considered that the Chamberlain cannot grant a licence for longer than a year; upon what does that rest; there is no provision in the Act of Parliament with respect to it?—Perhaps it is from custom, and to keep the theatres in check in case they acted anything improper; that he should have the power as justices have with respect to a publican's licence, if he does anything improper.

2744. Would he not have the power to withhold his licence whether it was granted for a year or not, at all times?—Yes.

2745. Subsequent to this licence of yours, which originated in a patent, what was the first licence that the Chamberlain ever granted?—Mr. Arnold's was the first licence after the Haymarket.

2746. So that there was a great lapse of years before the Chamberlain again exercised that power?—The first licence for the Haymarket, I believe, was the first year that it was opened under the elder Colman, in 1759 or 1760, or something like that.

2747. The Pantheon, I believe, was at one time licensed?—It was licensed for Mr. Greville, I think, a temporary licence when the Italian Opera was burnt down; it was licensed for Italian burlettas.

2748. Prior to that, was not there a licence many years before to Shelden?—I never heard of that.

2749. There was a great lapse of years between the time of granting your licence and the granting of Mr. Arnold's, and yours was in consequence of a patent, and with the King's consent?—As soon as Mr. Arnold's licence was granted, I applied to Mr. Mash of the Chamberlain's office; I had heard that a licence had been granted, and I applied to him, expressing my surprise. He told me that Lord Dartmouth, the then Lord Chamberlain, had ordered him to make out a licence for Mr. Arnold, and that he thought the Lord Chamberlain had exceeded his powers; and he had advised Lord Dartmouth to mention the matter to His Majesty, or the licence might not be recognised, or that the winter theatres or the summer theatres might have reason to complain. But after that the Lord Chamberlain did mention the matter to His Majesty; that at first Lord Dartmouth granted



granted or ordered the licence to be made out for Mr. Arnold : and Mr. Mash told me he had remarked to the then Lord Chamberlain that he thought he had exceeded his powers. That was the only time that a licence was granted after the Haymarket.

*Mr. D. E. Morris.*

29 June 1832.

2750. Your licence at the Haymarket was signed only by the Lord Chamberlain, not by the King?—By the Lord Chamberlain only.

2751. It was not unfrequent in former times, I believe, at the Haymarket, during the time that was not its regular season, for permission to be sometimes given to some performer to have a benefit there?—Most frequently we had 20 or 25.

2752. I believe that was done very much in Lord Salisbury's time?—Yes, very much, and in others.

2753. Was not the consent of the patentees of the winter theatres asked at those times?—I believe, never ; I know of no instance ; other entertainments were given besides these occasional plays for benefits ; oratorios were permitted at the Haymarket. The late Dr. Arnold had a licence ; Mr. Colman let him the theatre, and he had a licence to play oratorios there, which succeeded very well.

2754. Mr. Arnold's licence was granted for English singing and dancing, I believe?—Yes, for English recitative, operas and burlettas.

2755. It was not granted to Dr. Arnold?—No.

2756. How do you define a burletta ; it is rather odd, English recitative, operas and burlettas seem to be all the same thing?—There are three or four things which we all agree are burlettas ; Midas, Poor Vulcan, the Golden Pippin, and the Dragon of Wantley, and so on ; and we define what the English opera should be by Artaxerxes, which is a complete recitative opera from beginning to end.

2757. Has the Lord Chamberlain consulted either you or the patent theatres, that you are aware of, previous to his licensing the German and French Operas?—No.

2758. Have you memorialized him?—Yes, I have sent a remonstrance.

2759. Have you received no answer?—None, at present.

2760. What do you conceive the damage to be to your theatre in consequence of these performances ; have you made any calculation?—The receipts at the Haymarket are experiencing very great depression at present from various causes ; first of all, I think from the German and French operas. Under the old understanding between the patent theatres, Covent Garden and Drury Lane, and the Haymarket and the Italian Opera, it was settled by His Majesty and the Lord Chamberlain, that nothing more than an Italian opera on Tuesday and an Italian opera on Saturday should be permitted, with the exception of about four benefits, which generally came on Thursdays, given to their two leading singers and dancers ; but now it is open every night. Monday night, there is Robert le Diable ; Tuesday night, the Italian opera ; Wednesday night, the German opera, and so on every night in the week.

2761. That is a serious injury to you?—The receipts of the Haymarket are most depressed.

2762. As compared with this time last year?—Yes.

2763. They do you more harm than all the minor theatres put together?—That is a difficult thing to say.

2764. Which would you prefer being put down, the minor theatres or the fine representations?—They are equally prejudicial ; the German plays and the French plays certainly have been frequented by persons in a higher class of society ; that affects the boxes, but I do not think it affects the pit and gallery so much as the representations at the minor theatres ; the pit and gallery are most excessively affected by the minor theatres playing the regular drama.

2765-66. I conceive that a theatre opened in your immediate neighbourhood injures you more than a theatre opened at a distance?—I feel more oppressed by theatres such as the Queen's theatre, the Strand and Surrey theatres, than by Sadler's Wells or the City theatre, or theatres which are almost as far off as Hammersmith or Turnham Green.

2767. Have you received no message from the Lord Chamberlain's office with regard to your remonstrance?—I have received a verbal communication, which was, that while the present inquiry was pending, his Grace could not give a decisive answer to my remonstrance, but an answer, I had reason to suppose, would be sent.

2768. But in the mean time you are sustaining great prejudice?—I am.

Mr. *Douglas Jerrold*, called in; and Examined.

Mr. *D. Jerrold*.

29 June 1832

2769. I BELIEVE you are an author?—Yes.
2770. What plays have you written?—The last play was the *Rent-day*, at Drury Lane.
2771. That was a very successful piece?—It was successful; it ran upwards of 40 nights.
2772. Did not it come out at the Adelphi first?—No; it was first presented to the Adelphi, but I withdrew it from that theatre, because I would not submit to the alterations that were suggested by Mr. Yates.
2773. Where did you present it after that?—To Drury Lane.
2774. It was accepted there?—Yes.
2775. How could you withdraw it from the Adelphi; had they not paid you for it?—No, certainly not. I could very well withdraw it, for it was not acted.
2776. Was not something similar to it represented at the Adelphi under another name?—No; there was a piece which had some of the features of it. It was pirated, and played at Sadler's Wells.
2777. What other theatres have you written for?—I wrote *Black Eyed Susan*, and several other pieces, for the Surrey.
2778. Have you not submitted a piece lately to Mr. Morris for representation at the Haymarket?—I have.
2779. Which he has refused?—Yes.
2780. Was that in consequence of the terms you required?—No, it was not; he said he did not think it would suit his company.
2781. Have you given it to any other theatre?—The Strand theatre.
2782. Who is the proprietor of that theatre; who is the ostensible person?—I do not know who is the ostensible person; it is taken in the name of Mrs. Waylett. I believe Mr. Lee is the acting manager.
2783. Has it been acted yet?—No, it is played to-morrow night.
2784. That theatre is acting in defiance of the law at present?—I believe it is playing at bo-peep with the law; I believe it is quibbling with the law.
2785. Is it not under prosecution?—I am not aware of that.
2786. Have you any suggestions to offer to the Committee with reference to the copyrights of authors. Do you think any improvements could be made in the law as respects authors?—I think certainly there ought to be some penalty inflicted upon any manager who represents any drama without the author's consent.
2787. How would you have that penalty to be recovered?—I am not sufficiently versed in forms of law to state that, but I should imagine before a magistrate.
2788. Would not it be a difficult question to put to a magistrate, whether the pieces were the same, as in the case of translations, where two authors have translated the same French drama, how could a magistrate be enabled to decide upon the identity?—I do not think you would have so many translations then.
2789. Why do you think not so many?—Because it would be worth the while of men of original talent to devote their energies to the theatres.
2790. Do you think you should obtain much remuneration from the provincial theatres, or from the other theatres in the metropolis, in that case?—I think in the aggregate, I might obtain a great deal by receiving a small sum from each theatre. I will instance *Black Eyed Susan*, which was played 400 nights in the course of the first year after its production.
2791. In different theatres?—Yes, 150 nights at the Surrey, I think; perhaps 100 nights at Sadler's Wells, 100 nights at the Pavillion, 30 nights at Covent Garden theatre, and at other houses, as the West London and the Olympic, a few nights. For that piece I received altogether as much as Mr. T. P. Cooke has informed the Committee he received for six nights' acting at Covent Garden theatre.
2792. Sixty pounds?—Yes.
2793. That was from the first theatre?—Yes.
2794. Do you suppose if the other theatres had had to remunerate you, they would have acted it?—Certainly. It would have amounted to a great sum to me if it had been paid even on the humble terms of 5s. a night throughout the country.
2795. Was it published?—It was.
2796. Then the Surrey theatre has lost all control over it?—Yes, but I could have had no control over it, if it had not been published.

2797. Did

Mr. D. Jerrold.

29 June 1832.

2797. Did you receive anything from the publisher?—I received 10*l.* for the copyright, which, with 50*l.* I received from the theatre, make the 60*l.* I only received 60*l.* altogether. If it had not been published I should not have received more money, as in the instance of the *Rent-day*. That piece was played in the country a fortnight after it was produced at Drury-Lane, and I have a letter in my pocket in which the manager said he would very willingly have given me 5*l.* for a copy of the piece, had he not before paid 2*l.* for it to some stranger.

2798. Some stranger?—Yes, I have no doubt where he got it from. There is an agency office where they are obtained.

2799. What agency office?—Mr. Kenneth, at the corner of Bow-street, will supply any gentleman with any manuscript on the lowest terms.

2800. How does he procure them; is it by a short-hand writer in the theatre?—He steals them somehow; he has no right to them.

2801. This is previous to publication?—Previous to publication.

2802. It must be done by a short-hand writer?—I do not know how it is done. I offered to sell correct copies of the *Rent-day* for 5*l.*, because an author receives a double injury: in the first place, they are not paid for their pieces, and in the next place, they are represented by the skeletons of their dramas; so that, as it was emphatically said by a sufferer, the author was not only robbed but murdered.

2803. You could have procured an injunction?—If I had gone into Chancery.

2804. You consulted no lawyer?—No; I understood generally that was the only means of obtaining redress.

2805. Do you consider the remuneration to dramatic authors is not sufficient to attract first-rate talent to that branch of composition?—Certainly not, when periodical writing and novels are so highly paid for. A gentleman will get 1,000*l.* for a novel, and Mr. Sheridan Knowles only got 400*l.* for the *Hunchback*.

2806. Did you apply to Covent Garden for additional remuneration for *Black Eyed Susan*?—I did; and I received a letter from Mr. Bartley, the manager, in which he expressed something more than surprise at the request, and said the representation of that piece at Covent Garden theatre had done me a great deal of good. I have not yet discovered that.

2807. In point of reputation, he meant?—The reputation I acquired did not give me sufficient influence to get a piece brought out the next season at Covent Garden.

2808. But certainly the reputation of being the author of a piece which had been played so many nights would do you good?—Not at Covent Garden. It was played 30 nights there, and Mr. Cooke left Covent Garden to play at the Surrey.

2809. On what stage did it appear to the most advantage?—On the Surrey, certainly; in fact, it was infinitely better played at the Surrey than Covent-garden.

2810. What did you receive for the *Rent-day* at Drury Lane?—£. 150.

2811. How many nights has it been acted?—I am not certain, for I was out of town towards the close; I believe either 43 or 44.

2812. Did you receive the 150*l.* at the close?—On the twenty-fifth night.

2813. Have you considered at all what legislative provision could be made which would benefit authors in that respect?—I think a very heavy penalty upon any manager who should represent a piece without the author's consent.

2814. That penalty to be obtained by summary proceedings before a magistrate?—Yes.

2815. Would it not be difficult to prove the identity of a piece, in consequence of alterations?—Of course it must be considered according to the spirit, and not to the letter of the piece.

2816. Would it not puzzle some country magistrates to decide whether it was from a plagiary or not?—Some country magistrates might; but I think in large towns it could be done very well. I do not think the author could be enabled to get any money for the copy of the piece if it was acted at the greatest room in the town, by people who may be there one night and gone another; but in circuits, like the Liverpool, Norwich and York circuits, he would; also at the Dublin theatre, and in Scotland.

2817. Are not all those provincial theatres, Manchester and York, depressed at present?—I believe they are, from political excitement and the general depression of the times; I believe they are worse in the manufacturing districts.

2818. Do you mean that depression has only originated since the late political excitement?—I think since the peace every thing has been depressed to some extent.

Mr. D. Jerrold.

29 June 1832.

2819. Do you think it has arisen from any religious scruples or dislike to theatrical performances?—Yes; I think sectarianism has done much towards it.

2820. Are strolling players quite extinct now?—No, they are not.

2821. Are there as many of them as there used to be?—I do not think there are so many as when Mr. Munden played in a barn.

2822. Do you think strolling pays them; do you think they make any money?—I believe they are a very temperate race, and do with a little.

2823. Do you think they are enabled ever to lay by any money?—No, I do not think they are, they may be ultimately. It is only when they come here they are enabled to lay by.

2824. Not in the country?—No, I think not.

2825. You would have a new play, or anything that was written, put upon the same footing as a novel or any other composition?—Precisely.

2826. The author of a novel has only a right of action, which would be worth nothing to you?—That would be something.

2827. You would have it regularly entered at Stationers' Hall?—Yes, that would be something; because there is no doubt authors would make common cause with one another to preserve their copyrights; it would be worth their while.

2828. I believe in France the copyright remains in the heirs of the author?—I believe it does.

2829. Do you think that would be advisable?—I would have it for a certain time, say 28 years, so that if a man wrote plays he should vest his capital in his works, and leave them to his children.

2830. The copyright of any work is only for 28 years?—Yes.

2831. You think that would be something?—Yes, I think that would be a great deal; and by those means you would induce men of original talent to write for the stage; at present the intellect of the country is almost excluded from the stage.

2832. What is the general price of the copyright of a play for publication?—Since translation, the price has gone down to nothing. I believe Mr. Holcroft got 300*l.* or 400*l.*; I may be in error, but it was a great sum, 300*l.* I believe, for the copyright of the *Road to Ruin*; and I know Mr. Sheridan Knowles was able to get scarcely anything for the *Hunchback*.

2833. There surely must be a considerable sale of a successful play in the lobbies of the theatres?—No, there is not since translation. The public have ceased to look upon plays as part of the literature of the country.

2834. You think that authors have had recourse to translation in consequence of the inadequacy of the remuneration, that it is insufficient for the toil of original composition?—Something of that; but I think many men have written plays who, if there had been no translations, would never have been heard of at all.

2835. Perhaps in that respect it is an advantage?—No, I think not.

2836. Are there many English plays translated into French?—We do not give them a chance; we have very few original plays; we take all from them.

2837. Are those which are original ever translated?—Some are.

2838. Is the same price paid by managers for a translation as for an original piece?—Yes; and there is the mischief. There is no premium held out for originality.

2839. Do you think the number of authors would increase if the legitimate drama were thrown open to the minor theatres?—Yes, I do; I argue as Mr. Morton does: I speak of what would be from what has been. Fifteen or twenty years ago I saw pieces represented and tolerated at the minor theatres which would have disgraced Bartholomew Fair, and now they produce pieces which not only please the people who go to the minor theatres, but are taken to the large houses as a principal means of attraction.

2840. Was not that always the case?—I do not recollect.

2841. Was not *Midas* first produced at the Royalty theatre?—Mr. Garrick was produced there, and played the legitimate drama.

2842. Do you call *Midas* the legitimate drama?—No.

2843. How do you describe the legitimate drama?—I describe the legitimate drama to be where the interest of the piece is mental; where the situation of the piece is rather mental than physical. A melo-drama is a piece with what are called a great many telling situations. I would call that a melo-drama. I would not call a piece like the *Hunchback* a melo-drama, because the interest of the piece is of a mental order.

2844. A piece rather addressed to the ear than to the eye?—Certainly.

2845. Is



Mr. D. Jerrold.

29 June 1832.

2845. Is Tom Thumb a legitimate drama?—Tom Thumb is a burlesque.

2846. That goes under the head of the legitimate drama now?—Yes, and so does the Lions of Mysore.

2847. With reference to the size of the theatres, which size do you prefer writing for as an author; which would tend most to your reputation?—I prefer a small theatre, the size of the Surrey, or the late English Opera-house.

2848. For every sort of composition?—Perhaps heroic compositions appear to more advantage at Covent Garden or Drury Lane.

2849. Now, the Rent-day you call a legitimate drama?—I call it a drama.

2850. Do you think your reputation would have been increased if that had come out first at the Adelphi?—It was certainly better played at Drury Lane than it could have been played at the Adelphi.

2851. Suppose the same Company had played it at the Adelphi?—I think the effect would have been stronger.

2852. Have you any general observations to make with regard to the stage?—I think that actors and authors ought to have the selfsame privileges which are enjoyed by the professors of any other art, and which at present they have not. If a painter produce a picture, and from intrigue or, misjudgment, or to take a more liberal illustration, if there be not room enough to hang that picture in an exhibition-room, the painter is not compelled to roll his picture up and take it home, but he may exhibit it in Bond-street, or any other part of the metropolis; but an author or an actor cannot do that, or if they do, they are told they do it in defiance of the law.

2853. The field is not large enough?—No.

2854. According to law?—No, I think it is monstrous a manager should say to an author or an actor, you shall not write or speak within 20 miles of London, for that is the sovereignty which is contended for by the proprietors of Covent Garden, so that he must go beyond the 20-mile stone before he can open his mouth.

2855. Do you think there has been any systematic combination by the patent theatres against authors and actors, to curtail their powers?—Against the minor theatres there has been, I think. I conceive by their own acts they have shown a combination. It was stated, I believe by Mr. Macready, that he thought the drama would be considerably deteriorated if small theatres were allowed, as you could not possibly represent a perfect play. I do not think so. Mr. Cooke has instanced the case of a theatre at Paddington, where he was asked to play; he would not go, nor do I think any actor of high standing would attempt to dignify the theatre by acting with a body of men quite unacquainted with their art. I think they would find their level. There is a theatre of the same sort at Chelsea, and I have no doubt the persons who attend those performances are snatched from the tap-rooms and skittle-grounds.

2856. You think they are not persons likely to rise in their profession?—I think they may be as good as Mr. Munden or Mrs. Jordan, for they played at theatres not of grèater dignity than are now open in the suburbs of the town.

2857. Which do you think the best school of acting, the minor theatres or the provincial theatres?—The provincial theatres, as the law now stands, for the minor theatres are not allowed to play the legitimate drama.

2858. But the minor theatres do at present?—At present they do, but not much; the Coburg theatre seldom plays it.

2859. Was Black Eyed Susan licensed?—No; it was sent to the licenser from Covent Garden.

2860. Was any alteration made in it?—Yes, some passages were ordered to be omitted.

2861. Will you state what they were?—The boatswain has to say, in speaking of William, "He plays the fiddle like an angel." He struck that out.

2862. Does the actor leave out that passage always in Covent Garden?—I believe not.

2863. You think the actor uses the expression although it is struck out?—I never saw it but once at Covent Garden, and I think he used that expression.

2864. Do you think the Drama ought to be put under the censorship of the Lord Chamberlain?—No; I think you might as well have a censorship of the press.

2865. Will you state your objection to the control of an examiner?—I think it is apt to be exercised very capriciously.



Mr. D. Jerrold.

29 June 1832.

2866. Do you know of any instance?—Yes; one at Drury Lane. I had a piece called the *Bride of Ludgate*, in which Charles the Second figured as the hero, and he was disguised as a priest, come to marry a young couple. Mr. Colman said he thought, in the present situation of the bishops, he ought not to come as a priest, but I must make him a proctor. I sacrificed the worth of something, which was perhaps very worthless, but I was obliged to submit to that alteration, which I thought very capricious and absurd.

2867. Has it been represented in the country?—Yes.

2868. Is it represented there as a proctor or as a priest?—It is represented, I suppose, as it is printed, which is as it was altered.

2869. How did the piece act?—It played very well; it was a piece which would have succeeded better at the Haymarket than Drury Lane.

2870. Do you think it would have been more attractive if the character had been a priest?—I do not know that it would have made a great alteration as to the receipts, but it would have done more for me, or I should have been more satisfied with it; it would have been a more perfect drama; at present that alteration makes it somewhat loose and disjointed.

2871. Do you not suppose if there was no censorship there might be political allusions introduced into plays, which might create an excitement which it is not desirable to create in dramatic representations?—I think managers would study their own interests, as they would know they would be proceeded against if they were to overstep any bounds of decorum; I think their own sense would guide them.

2872. Then the managers would become the censors?—Certainly, as they are at present, as to the fitness of the piece.

2873. It would be only changing hands?—They are as it is.

2874. This new piece you have given to the Strand theatre, that will not be submitted to the licenser at all?—No, none of the pieces there are submitted to the licenser, nor at the Coburg, nor at the Surrey, nor Sadler's Wells, nor the Queen's, nor the Pavilion, nor the Garrick theatre, when it was open.

2875. But they are actionable, are they not?—I believe not; they act under magistrates' licences; they are actionable for speaking at all.

2876. But for performing plays not licensed?—Certainly not.

2877. The magistrates have nothing to do with that?—No.

2878. The magistrates' power only extends to authorizing them to act licensed plays?—Yes, they are not under the control of the Lord Chamberlain; they are not licensed by him.

2879. The Lord Chamberlain's licence is as to the theatre, but the licence as to plays is a different thing?—I am not aware of any penalty they may incur.

2880. Do you think those persons who fill the minor theatres of an evening would go to the great theatres?—Some of them would, for the minor theatres beget a dramatic taste.

2881. Do you think the minor theatres can do damage to the amount of 40,000 *l.* annually to the two great theatres?—No, certainly not.

2882. Have you ever made any calculation of what you think would be about the injury?—No; but I do not think the minor theatres did any injury to Covent Garden while they played the *Hunchback*.

2883. Then it is the defect in the entertainments of the patent theatres that makes them not so attractive?—I think it is in a great measure.

2884. Do you think if the legitimate drama were performed at all the theatres, they would all succeed, or the proprietors would have sufficient to remunerate them?—No doubt there would be many mistakes, but I think they would ultimately classify themselves.

2885. What do you mean by mistakes, acts of bankruptcy?—No, in the way of imprudent speculation; the same as when the Beer Bill was passed, every shop was a beer-shop, but they did not last above a quarter.

2886. What class of performances do you think would be acted at the minor theatres, if they might act anything they chose; do you think they would play Shakspeare?—Sometimes; but I think they would gradually get a very good drama of their own, as they have been getting for some years; so good, that it is worthy of being transplanted to Drury Lane.

2887. Such things as the *Wreck Ashore*?—Yes; domestic dramas, I take it, would be pretty well the staple commodity.

2888. Do

29 June 1832.

2888. Do you think there are too many theatres at present in existence?—No, I do not.

2889. Not taking them altogether?—No.

2890. Do you not think it would be better if they were more dispersed; some of these Westminster theatres?—The theatres have flourished very close to one another; Drury Lane, Covent Garden, the Olympic and the Adelphi, are all close.

2891. The overflowings of one will go to another?—Yes, it is frequently reckoned upon that the overflowings of one go to another.

2892. Have you ever known the overflowings of the English Opera-house go to Drury Lane or Covent Garden?—I have not known that, certainly, but I think it is very likely; people come out determined to go to the theatre, and if they are disappointed at one place they go to another.

2893. Do you think the patent theatres have any title to compensation in the event of the legitimate drama being played at the minor theatres?—Why, every improvement in science may be called an injustice upon some vested interest. When the railroad was invented, or rather when the York coach was invented, it did an injury to those who had property vested in the York waggon; I look upon it as exactly the same thing. I think the public would gain by the theatres being thrown open.

2894. Those persons who set up the York waggon did not suppose that they were possessed of any exclusive privileges, which the patent theatres conceive they possess, but the proprietors of the York waggon took the field with all the chances against them; therefore I do not think your illustration exactly applies?—I am arguing as to the reason of the question; but as to what they might conceive, that argument might be held invalid as applied to royal authority.

2895. Do you think those persons who built Drury Lane and Covent Garden theatres would ever have built those great houses, and employed their property in them, unless they conceived they had justly exclusive privileges?—Perhaps not.

2896. That being the case, do you not think they are entitled to some indemnification?—I should be very glad if they could be indemnified; I am not prepared to say how.

2897. Suppose they were indemnified by being empowered to dispose of the theatre by lottery, do you think the public would be eager to take shares in that lottery?—Yes, I think they would; I think there is such a dramatic taste abroad, and such a desire to speculate in shares, that I think it is very likely.

2898. You think the shares would be taken?—I think it is very likely.

2899. Do you think if the legitimate drama could be acted at the minor theatres, it would in some degree tend to fill the large houses by increasing the love of the drama, and the desire in the public to go to the theatres generally?—No, I think not.

2900. You think it would not serve to fill the large houses?—No.

2901. Do you think it would draw audiences from the large houses?—Yes.

2902. Then in that way it would prejudice the large houses?—Yes, I think it would.

2903. Do you give that opinion in consequence of the size of the patent theatres?—Yes, in a great degree; I think it would prejudice the large theatres with their present companies; it would not if they had, as they have at the other houses, what are termed working companies. At the Adelphi, for instance, you will see the whole of the company in one night; at Drury Lane or Covent Garden not one-third of the company are acting; the rest are unemployed. With their present expenses they would suffer injury, but not if they were properly cut down.

2904. Are actors paid whether they play or not?—Yes, except nightly actors; there are some few exceptions.

2905. When the agreement is that he shall act on such nights?—I believe engagements have been made that an actor shall have so much a night guaranteed to play so many nights a week.

2906. In that case he is paid whether he acts or not?—Yes.

2907. Is there any class of actors paid by annual salaries, so much a season?—I believe not.

2908. What is the engagement?—By the week.

2909. Then if that is the case, why is it necessary for the large theatres to engage so many more actors than they use?—I do not think it is necessary. They split upon that very rock.

Mr. D. Jerrold.

29 June 1832.

2910. That they have engaged two-thirds more than they want?—Yes. I think the theatres will not answer till they classify themselves.

2911. At the minor theatres they employ the whole of the company they have?—Yes.

2912. Do you think the minor theatres corrupt or improve the morals of the town?—I certainly think improve.

2913. Do you think these minor theatres improve the morals as well as the great theatres?—Yes, I think that is shown by the march they have made for some years past. They have improved themselves, and must necessarily have improved those who have gone to them.

Mr. Edmund Lenthall Swifte, called in; and Examined.

Mr. E. L. Swifte.

2914. ARE you in any way connected with the theatres?—Not in the least.

2915. But you have turned your mind to the consideration of the subject?—Very much, within the last few months.

2916. Not till within the last few months?—Not until the question came to be agitated, and then I turned my mind very attentively to it.

2917. What directed you to give it your consideration?—The interest I felt, if I may presume to call myself so, as a man of literary habits, and my instinctive sense of justice.

2918. Where do you find injustice in the state of the law as respects the drama?—In the monopoly that it creates; in confining the representation of the regular drama to two theatres in London.

2919. Do you think the public are anxious the regular drama should be played at all the minor theatres?—From all I can see or hear, I think they are anxious for it.

2920. You think there are not a sufficient number of theatres at present legally entitled to play the legitimate drama?—I think not, with reference to the size of the metropolis, and the buildings which have connected its adjacent villages, and which have created so large a population within the compass of what we now call the metropolis.

2921. But if population is the cause of more theatres being required, ought not those theatres to be filled which now exist where that population has increased?—Yes, I think any new theatre the law would permit for the representation of the legitimate drama would be filled in those districts where it shall appear by the reasonably expressed desire of the respectable inhabitants a theatre is wanted.

2922. What part of the town, in your opinion, most requires an additional theatre?—I should think an additional theatre is not wanted near the Surrey, or near the Coburg, perhaps not immediately at Sadler's Wells, though it is very little I have seen of them; but I scarcely look upon the very small theatres as places for the performance of the legitimate drama, the very small theatres, such as the Pavilion and others.

2923. Are you a dramatic author; have you ever written any plays?—Yes; I wrote an opera, which was performed about 11 years ago at the English Opera-house.

2924. What was the title of it?—Woman's Will.

2925. For an opera, do you conceive a minor theatre is preferable to a larger stage?—I should think for an opera of domestic interest, not requiring any great or extensive decoration, a theatre of moderate size would be better adapted than a very large one.

2926. If you wished to witness the representation of Hamlet, had you not rather go to Covent Garden or Drury Lane than a minor theatre?—If I could get within a reasonable distance of the stage, but not to be placed at the back of the shilling gallery, or in the front of the two shilling gallery. I am tolerably far sighted, but I should hardly calculate upon seeing the play of the countenance, or hearing the voice, to such great advantage; certainly I could not see the fine play of the countenance at so great a distance.

2927. Do you mean to say you think that sort of play should be represented on a stage of that size; that is, your observation applies rather to the size of the stage than the size of the theatre?—I should desire a larger stage, but a moderate auditory. I am no architect, and perhaps speak unskilfully; but I mean that the audience part of the theatre should be constructed pretty much as it is at the Surrey and the Coburg, where I have great satisfaction when the regular drama is performed,  
because

because there is a large stage, and you may see and hear in almost all parts of the theatre. Mr. E. L. Swifte.

2928. Then you think in the Coburg you are not so near as to destroy the illusion?—No; I never saw Mr. Kean to so much advantage to my own feelings as when I saw him in *Othello* at the Coburg, and I sat in that part of the pit which they would call in France the *parterre*. I have seen him several times at Drury Lane, from the front of the dress circle, but I never saw him with so much satisfaction as when I saw him from that situation in the Coburg.

2929. In the event of the minor theatres being permitted to play the legitimate drama, do you conceive Drury Lane or Covent Garden would be entitled to any compensation; have you ever studied their patent rights?—I have considered it with reference to an alteration in the law; and I should presume to say that the great theatres are not entitled to call for any compensation for an alteration in the law, whatever they may be entitled to call for upon the cancellation or modification of their patents.

2930. If a lottery were proposed, do you conceive the public would subscribe to take shares?—Yes.

2931. An alteration of the law would modify their patents?—With great submission, I mean to say, that if the statute of George the Second, which passed in the year 1735, were repealed, it would leave the patents in the same situation as they were before its enactment.

2932. But not in the same situation as they are now?—No, not in the same situation that they are now; but I conceive the public and all the realm might be altered without in any way affecting the patents as intended to be granted by the Charles's.

2933. Do you not suppose they would be placed in a different situation from that in which they were when persons adventured their money on the faith of those patents?—Certainly; but if the money was ventured on the faith of the patents, and the patent rights are abrogated, no injury can be done; for if the money was ventured on the faith of a public Act of Parliament, it was ventured on legislation, which everybody knows is subject to constant repeal.

2934. A patent is no more security than an Act of Parliament?—No.

2935. The King may alter it as he pleases; is one a better security than the other for a creditor to lend money upon?—No; but the Legislature may more regularly deal with its own enactments than the patents of the Sovereign.

2936. But the King may alter a patent?—Yes.

2937. The fact is, it is a more capricious title than an Act of Parliament; but had you embarked your fortune in Covent Garden theatre, should not you think it hard that the monopoly should be thrown open?—I think if I had embarked my money in the large theatres, I should feel as I now feel, that the opening of competition, under certain regulations, would do no injury to the large theatres, but would rather serve them.

2938. You heard the opinion Mr. Jerrold gave upon that point?—I did.

2939. You do not think with him, that the minor theatres would injure them, inasmuch as they would draw audiences from the great houses?—I cannot imagine that with reference to the immense population of the metropolis, which we may fairly reckon at 2,000,000; not the metropolis technically speaking, but the circle 20 miles round it.

2940. Do you think the play-going population is anything like two millions?—No, I calculate the whole population, and upon that I calculate the play-going population.

2941. Do you consider it as one-fifth?—No, one-tenth. A play-going population of 200,000 to be dispersed amongst a given number, any one theatre cannot be said to injure any two.

2942. But, in point of fact, is there anything like 200,000 people in London and its vicinity who go to the theatres?—I think not, because they have not the opportunity to go to the theatre; they have not the legitimate drama performed in the manner it ought to be; for if I may be permitted to make an observation, I have observed lately when I have gone to the minor theatres, where certainly the audience is composed of what I should call (if I may say so without offence) the lower part of the middle classes, I have observed that every exhibition of the regular drama, or any exhibition at all approaching to the performance of the regular drama, has been more felt and more liked by the audience than any mere spectacle or buffoonery has been, and from thence I infer that there is among us

Mr. E. L. Swift.

29 June 1832.

a great regard for the national drama, and that regard would be manifested by a constant attendance upon it, if enabled by its legalization.

2943. Then what description of piece do you think would be performed at the minor theatres if they had the power of performing anything they chose?—I should think in all the minor theatres of a proper size for it, (and I conceive that should be one of the conditions of the licence for their erection,) that every species of the regular drama would be performed.

2944. Would Shakspeare's plays draw audiences at small theatres?—Wherever the stage had the capacity of exhibiting pieces that have great decorations incidental to them, such as Julius Cæsar, the Tempest, and others; I think wherever they could be performed by the capacity of the stage, they would be attended to by the people, at least if not immediately, at no very great length of time, so as I already see from the tendency of the public towards the regular drama, to lead them perhaps exclusively to it.

2945. Such a play as Hamlet perhaps would not draw?—I cannot conceive why it should not.

2946. If it did, it would be only for the merits of the play, where there was no spectacle?—I never saw Hamlet performed but it was not felt; whether performed well or ill, Hamlet has been felt by every person in the house. I have always seen a deep and great feeling attending it in town and country.

2947. Do you mean to say the theatres open at present are filled, or anything like it?—No, I think they are not; and it is partly by the insufficiency of the performances as to the regular drama, and next by the peculiar circumstances of the times. I can offer the Committee one inference as to the diminution of attendance upon theatres, because I hold the custody of the Crown Jewels at the Tower, which I open to the public, and I have opportunities of hearing facts concerning the other parts of the curiosities of the Tower. I happened, without any reference to this subject, to converse with a friend on the 28th of May last; and talking of the great diminution of visitors to the Tower, I took up my books for the last few years and looked to every 28th of May (when it happened on a Sunday I took the day preceding, the 27th May), and in taking the last 10 years, the first seven of those 10 years averaged 50 persons a day, and the last three years of those 10 averaged only 16 persons a day.

2948. That is the last three years?—Yes; and I attribute that to the depression of the times and public agitation, and the greater competition of one thing or another. I know, in 1830, there were 6,000 persons visited the Tower less than in the year before, and I dare say 10,000 last year would be under the mark.

2949. Do you consider that the power to act the regular drama would assist in a great measure in filling the minor theatres?—I think it would elevate the public taste; and considering that the public admiration of virtue and abhorrence of vice should be strongly excited, I think when the legitimate drama is performed, the stage would be an admirable school for morals for the people; and when that was regularly performed, it would be a much better amusement than passing their evenings in the alehouse or places of that description.

2950. Do you think a play which was properly called the regular drama would be more attractive at the minor theatres than such a piece as Victorine?—No; I conceive Victorine is a species of the regular drama.

2951. Do you conceive the public would have any objection to the theatres remaining open on the Wednesdays and Fridays during Lent?—I am sure I should not myself; I hardly think others would: provided Sunday be kept sacred, I can hardly conceive any man would object to the theatres being open on Wednesdays and Fridays.

2952. The Martyrdom of King Charles; you never felt any objection to the theatres being open that night?—No, I never heard any one think about it.

2953. They are always shut on the Wednesdays and Fridays during Lent, and on King Charles's Martyrdom?—Yes.

2954. When you said if you had money ventured in the patent theatres, you would not think it hard if the monopoly were thrown open, I think you meant to say, you would not think it hard, because you would be no loser?—Upon that ground.

2955. If you were a loser you would think it hard?—If I were a loser, I should certainly think it hard. I believe every man who is a loser thinks it hard; it would not be easy to separate his feelings upon it.

2956. Do



Mr. F. I. Swift.

29 June 1832.

2956. Do you not think the decrease of visitors to see the Crown jewels is to be attributed to other attractions that exist?—Very much, I think, to the greater attraction; but for the last three years it has been generally so to the Tower; and I understand it has been so in all places, unless there has been some immediate novelty.

2957. You think all public exhibitions have suffered?—Yes.

2958. Are you aware the number of visitors to the Zoological Gardens has increased?—Yes, as a novelty.

2959. That has increased every year?—Yes.

2960. Have you anything further to state?—I do not know how far I am entitled to make observations, except where questions are put to me, but my own idea of it is, that with reference to the old statute of George the Second, which was passed 95 years ago, a great difference is to be made between the state of London then and the state of London at present; that what might have been perfectly just and right then, I consider might be perfectly unreasonable and worse than useless now; and that the circle of 20 miles round London would create altogether a circumference of nearly 140 miles; and considering the very dense population in that, I think it would be a very great hardship to say the regular drama is not to be performed except at one spot.

2961. It is performed at Richmond now?—If it is performed within 20 miles, unless at a royal residence, I conceive it is not legally performed; I know it is now performed at the minor theatres.

2962. But it is by licence at Richmond?—That is a royal residence. I wish to be understood not by any means as advocating the erection of very small theatres, because I conceive that all theatres should be subject to a requisition, that is, not licensed without the requisition of a certain number of respectable inhabitants; that they should be subject to the magistrates for their proper and due conduct, and also subject to the certificate of a proper inspector that they are safe, and that they are of a certain size.

2963. What is your opinion upon the subject of licensing; do you think plays might be under the control of a licenser or not?—Why, as I consider that the principle of altering the present law should be on the basis of a perfect equality, not imagining that the minor theatres ought to be put in a better situation than the majors, I cannot conceive why the minors should be exempted from the licence of the Lord Chamberlain.

2964. Do you conceive it advisable there should be no licenser of any theatre?—I said, the licence, I conceive, should be given as a matter of right, a licence to erect a theatre.

2965. At this moment a play cannot be performed until it has been submitted to the Lord Chamberlain or the Examiner, and approved; do you conceive that is a useful or a prejudicial institution?—I consider if it is exercised with proper discretion and liberality, it is useful, and I cannot conceive why the power of the Lord Chamberlain should be abridged; and to bring the majors under it, and liberate the minors, would be departing from that principle of equality which I never recommended.

2966. I never presumed it was to be taken from one and given to another, but I asked whether there should be a licence at all?—Yes, I should be sorry to see that abolished.

2967. It is a species of publication which ought to be under control?—Certainly, because the mischief is done in one night; I should be sorry to see it put an end to.

2968. It is done under circumstances which make the publication more mischievous than reading a newspaper or pamphlet?—Yes.

2969. Because it is addressed to the passions of the audience, who are excited at the moment?—Yes, I think it would be a dangerous experiment. I was asked about the question of a lottery. I wish to say upon that, if a lottery were to be granted for it, and if that lottery were granted on considering the value of the great theatres, that is, their claims under the Legislature and under the patents, in that case it would put the fortunate owner of the prize in the same situation that the two houses at present are, which would not mend the matter.

2970. If you put a clause in the Lottery Act which would inform the public the legitimate drama should be played at all the other theatres, they would gain this prize of the theatre with their eyes open as to throwing open the monopoly?—Then the price of the chance must be lessened by that deteriorated value, and

Mr. E. L. Swift.

29 June 1832.

consequently there would be no fund adequate to compensate to the full expectations of the proprietors.

2971. Then you think the public would not subscribe to a lottery, unless the theatre had exclusive privileges?—Not, if the proprietors were to be responsible to the subscribers; and perhaps in that case the fortunate holder of the ticket would expect to have the theatre as they held it.

2972. Not at all, if he subscribed under a different understanding?—Then I conceive he would subscribe for a deteriorated value, and there would be a smaller fund to pay them.

2973. The price of the ticket would be lessened?—Yes.

2974. Then you consider the large theatres are worth more now with the monopoly than if dramatic entertainments were thrown open?—I believe the public in general so consider them; and also the proprietors of the theatres. For myself, I do not; for I think they would be benefited by the competition they would be compelled to adopt.

*Lunæ, 2<sup>o</sup> die Julii, 1832.*

EDWARD LYTTON BULWER, ESQ., IN THE CHAIR.

Mr. Charles Mathews, called in; and Examined.

Mr. C. Mathews.

2 July 1832.

2975. HAVE you a share in any theatre now?—I am half proprietor of the Adelphi.

2976. Have you ever been a proprietor of any of the large theatres?—Never.

2977. How many years have you been on the stage?—Thirty-seven; 28 on the London stage.

2978. From your experience, what do you consider would be the consequence to the drama generally if the legitimate drama were allowed to be performed at other theatres besides the two patent theatres and the Haymarket?—I think it would, in the course of a very short time, brutalize the regular drama; I think it would be a very great injury to the drama.

2979–80. Why do you think so?—Because the actors at the minor theatres, generally speaking, are inferior, talent being better paid at the larger theatres, and therefore if the regular drama were open to the public, and if you were to see the plays of Shakspeare very badly acted, in time that would bring disrepute on the stage generally.

2981. Your objection seems to refer to the plays of Shakspeare?—Not at all exclusively to the plays of Shakspeare, but to the drama generally. Every man speaks according to his own interest of course; but I should say, for God's sake protect me from the regular drama, do not compel us to let the public expect the regular drama.

2982. Do you not call Victorine the regular drama?—That comes, perhaps, nearer to it; but if the Lord Chamberlain chooses to allow us to play a piece infringing on the regular drama, we do not object of course; but I should say, protect us from the regular drama. We act nothing but what is licensed from the Lord Chamberlain, and I should be sorry if we had an opportunity of acting the Heir-at-Law.

2983. How would you define the regular drama?—Decidedly the works of our greatest dramatists or poets, Shakspeare, Otway, Rowe, and in modern times in comedies, Sheridan, Colman and others.

2984. That is an illustration; I do not consider an illustration a definition. How do you define the regular drama; what is it? Does it consist of three, four, or five acts, or what does it consist of?—It does not consist of any number of acts; it is the legitimate tragedy, comedy and farce. I should illustrate it by the Théâtre François; there they act the legitimate drama, they act the plays of Racine, Molière, and so on, and a very few modern pieces at all, and by having one theatre allowed to perform, and confined in its performances to the legitimate drama, it was a standard for language and taste.

2985. Is not the regular drama a term of criticism?—No, I should think not; I should say that the Théâtre François never had acted anything equal to our Christmas pantomimes.

2986. Do

2986. Do you consider tragedy and comedy legitimate drama?—That was at one time the legitimate property of the patent theatres, and I think it ought always to have remained so.

2987. You think that many of the plays of Shakspeare are the regular drama?—It is not for me to say what I think, but I am speaking of what is termed the regular drama.

2988. You refer to old plays, and you say very few new plays are acted at the French theatre; do you think it to the advantage of national theatres that very few new plays should be acted?—I think it would be a great advantage to have new plays, if we had talent to supply us; and I recollect the time when we were regularly supplied; about 25 or 30 years ago, Covent Garden and Drury Lane were almost regularly supplied every season with two or three comedies, and sometimes tragedies, and a great number of legitimate farces.

2989. You consider that the legitimate drama has declined since that time; from what causes do you think?—I think one of the causes is the great number of theatres that are open.

2990. Do you know how many theatres were open in Shakspeare's time?—I should think altogether not more than seven; there were at times seven open, not more than seven ever.

2991. Do you not consider there were then too many theatres for the population?—They might be exceedingly small; the Globe theatre would not hold anything like any minor theatre holds now.

2992. By referring to that time, it would appear that a good many theatres which were small, were as productive of good dramas as the two large theatres which are now open, with several small ones?—I should say, as far as my reading bears me out, they were, for the population, better supported.

2993. There being seven small theatres?—Yes, for the population, I should say so.

2994. I think you admit that you violate at your theatre the Lord Chamberlain's licence?—No, we do not, because we send a piece for his approval, and he approves of the piece, and writes his permission, which is in this term, "I hereby permit you to play the piece that you have sent to me, under the title of *Victorine*," or whatever it may be.

2995. Then the Lord Chamberlain violates his own licence, does he not?—His licence is to Charles Mathews, to perform burlettas, music and dancing, with spectacle and pantomime.

2995\*. *Victorine* does not come under either of those denominations?—No, it does not.

2996. Then it is not you who violate your licence, but it is the Lord Chamberlain who violates his own licence?—I purchased into the theatre under the faith of the licence, for which I consider I paid a very large sum, and before I came into it, pieces of that description had been licensed by the Lord Chamberlain, and they have been licensed since by three several Lords Chamberlain.

2997. You admit your licence does not permit you to play those pieces; they are not burlettas?—It does not express what is or what is not a burletta. It is a difficult thing to define; it is much more difficult than the legitimate drama.

2998. You think it is more difficult to define than the legitimate drama?—Much more so.

2999. Would you call *Victorine* a burletta?—We call any pieces burletta with a certain number of pieces of music, which constitute, in the opinion of the Lords Chamberlain, for the last twenty or thirty years, a burletta.

3000. How many pieces of music are there in *Victorine*?—I should say seven.

3001. Is there any dancing?—Yes; there are always songs or duets, or something to constitute the number of pieces of music, and without that they would not be licensed.

3002. And they are performed, are they?—Yes.

3003. In *Victorine*?—Yes.

3004. What injury do you conceive your theatre does to the annual receipts of the patent theatres?—I cannot undertake to say: I think there are a great number of visitors to small theatres in consequence of their being at a smaller price. I think there are a great number of persons who will pay four shillings, but who would not pay seven shillings.

3005. Would you put it at 4,000*l.* a year?—Decidedly not.

3006. Would you put the injury you do to the annual receipts of the two great theatres at 3,000*l.*?—No, I would not admit the injury; for, in the first place,

Mr. C. Mathews.

2 July 1832.

I do not know how it is to be proved; in the next place, I disbelieve it. It is almost impossible to ascertain what is the Adelphi audience. There are certain followers of these theatres who do not go to the larger theatres, perhaps on account of the price.

3007. Do you think you do them injury to the amount of 1,000*l.* a year?—It is impossible to say. I should be very sorry to do any injury to them.

3008. It has been stated to the Committee, that the Adelphi alone does an injury to the amount of 4,000*l.* a year to the receipts of Covent Garden and Drury Lane?—We only perform for six months, and 4,000*l.* is a very large sum to take.

3009. Do you consider that the Coburg theatre does any injury to you?—I cannot ascertain; but I should say, no. I am quite certain the Strand Theatre has done an injury to us; for I have been four seasons there, and we have had an evident falling off of half-price at the Adelphi theatre from the time the Strand theatre has opened; “and though they do no good to themselves, they do much harm unto us, Hal.”

3010. Therefore you would like the Strand theatre to be shut up?—Very much indeed.

3011. By exactly the same rule, the Haymarket theatre would like you to be shut up?—I dare say they would; but I should say, I would have the same feeling towards the large theatres as I should wish, if this were to be settled by law, they should have towards us. I should wish to see them established in their own legitimate rights, and the minor theatres only allowed to act certain pieces belonging to themselves. But I am in the same situation as Covent Garden and Drury Lane. If I do not say I wish their rights to be protected, how can I ask for mine to be protected?

3012. Then you consider, that if the legitimate drama were allowed at minor theatres, it would be against your own interest?—I think it would injure the drama altogether and the love of it.

3013. Do you consider it to be the legitimate right of the great theatres to play French plays?—Entirely in the French language?

3014. Yes.—I should say not.

3015. You consider that the drama would be brutalized in consequence of the bad representation of great plays at minor theatres, if they were allowed to be acted there: has Shakspeare been very often acted at the great theatres, do you know, of late years?—I should say it has.

3016. In proportion to other performances of the illegitimate drama?—I am quite convinced that the disposition of the proprietors of both theatres is to play Shakspeare, and all the classical authors, if the public would follow them.

3017. Do you happen to know how many plays of Shakspeare were acted at Drury Lane during Kean's time?—I do not know how many; but there was a disposition to perform them always, only the public neglected them.

3018. I understand you, then, that the public have neglected Shakspeare's plays when they have been performed at the large theatres?—Unquestionably.

3019. Have you ever performed at the great theatres?—I was at all the theatres. I went to the Haymarket, I went to Drury Lane, and then to Covent Garden, where I remained till my accident drove me from it.

3020. Do you consider that you play as effectively at the large theatres, at Drury Lane or Covent Garden, as at a minor theatre?—I cannot say so effectively; but when I returned to Drury Lane, after having been used to small theatres for many years, I cannot say I felt any inconvenience in acting there; I played Sir Fretful Plagiary and other parts, but I could not say, “I am neither seen nor heard here.”

3021. You did not act less effectively, but rather more so, on a small stage?—There is certainly one convenience about a small stage, that it shows the features better than a large one.

3022. And it allows the voice to be better heard?—I recollect when Colman was proprietor of the Haymarket, that we played alternately there and at the Opera-house; and it was much easier to speak in the old Opera-house than in the Haymarket. And with respect to the size of the theatres, if I may be allowed to quote an opinion, I will state the opinion of John Kemble, which I think I can do in his own words: I never can repeat a conversation without I do it in the tone of the person who gave it. “It is a common complaint to speak about the size of the theatres;

theatres; the public will tell you they like small theatres; Sir, they lie; they like large theatres. They go to the Opera because it is a large theatre; and when my sister and myself and Mr. Cooke acted in *Henry the Eighth*," (and we all remember how the play was done,) "when we acted at the King's theatre we played to 600*l.*; and when we went over to the theatre opposite, we never got 200*l.* to the same play."

3023. How do you attribute the failure which at present exists, or the ruin which has occurred to the great theatres, if the public are so much more attached to the great theatres than they are to the minors?—It is not my opinion that they are attached; I am only giving you the opinion of a proprietor of a theatre at the time.

3024. Then you do not concur with Mr. Kemble?—I am only stating what his opinion was.

3025. Do you coincide with that opinion?—Yes, I do.

3026. Then how do you account for the ruin which has occurred to the great theatres?—From a certain fortune; I cannot tell exactly why, but I think the Italian Opera has done more mischief to the drama than any falling off of the taste for it. I do not think that the feeling is dead at all; it is only scotched, not killed, as is shown in the case of the *Hunchback*. Nothing could be more simple or legitimate than the means by which that play has been produced, or by which the public have been pleased with it. They see no objection to the theatre when it is the fashion to go there; but I look upon the encouragement of the Italian Opera and French acting, which is now given, to be one of the greatest causes of the decline of the drama.

3027. You think a good play has a power of reviving, as it were, the taste for the drama?—No doubt of it.

3028. Do you conceive that the licencer's licence of a particular play does more than state that there is nothing immoral or improper to be acted in it; do you think the licencer's licence is at all granted with reference to the licence under which you act; suppose you were to produce a play, which exceeded the terms of your annual licence from the Lord Chamberlain, do you think that proof of the play having been licensed by the censor would defend you against any action or information for a penalty in having exceeded the terms of your annual licence?—Certainly I do.

3029. My opinion is, that the censor's licence only extends to the immorality of the piece; and he says, there is nothing improper in it with reference to the provisions of the licence under which it is to be acted?—I conceive the licencer's leave to act the pieces we send him is perfectly legal, and warrants us in acting that piece in every possible way.

3030. And it would be a defence to you for acting a tragedy or any other piece not included in your patent?—I have always considered that was his power.

3031. Have you ever acted anything which had not been submitted to the licencer?—Certainly not; I speak of since the time I have been in the *Adelphi* myself, and I can say, certainly not in one single instance, unquestionably.

3032. Have you had pieces refused by the licencer?—I do not recollect one.

3033. Have you any general suggestions to throw out to the Committee?—No, I do not know that I have. I should certainly very much like to have the minor theatres restricted to their own performances, and that property should be protected. That is what I think would be an advantage to large theatres; that minor theatres should not be allowed to do what they now do, which is literally to steal the pieces belonging to the great theatres; for when they are performed, they send shorthand writers to take them down, and they then act them without any ceremony. That, of course, is very hard upon the managers of the theatres where those pieces are produced, who pay authors for original pieces, and pay them for their copy-right, which is sometimes a very serious sum.

3034. That is the charge you make against the minor theatres?—Yes.

3035. Did not the large theatres once take *Black Eyed Susan* from a minor theatre?—I do not recollect an instance of their doing so; it did not belong to us. I do not think they have ever done that without permission, or without it has been published.

3036. Do you think the superintendence of the theatre can be better placed than in the hands of the Lord Chamberlain?—The minor theatres?

3037. Yes, and those under his licence.—I should say not, if his power were defined, but if, as in the case of the *Strand*, which is an outrage on all former usage, they are allowed to act without any licence, it is rendering his power null and void.



Mr. C. Mathews.

2-July 1832.

3038. Why have you not laid an information against the Strand theatre?—That is a question every one asks another. I recollect hearing of a mad bull getting abroad, and 3,000 or 4,000 people cried out, “Turn him round,” but everybody said, “Who is to do it?” To lay an information is an unpopular act. I have been inquiring every day why they have not been stopped.

3039. Do you consider the magistrates have the power of stopping them, if you lay an information against them?—I have been told not.

3040. Do you conceive that the present law, giving a penalty for performing without a licence, can be made effectual?—There is not a question that it could; but it would be a very unpopular act for the proprietor of one minor theatre to attack another. I have given 10,000*l.* for the licence of the Adelphi theatre; I look upon that as a part of the purchase-money, it being granted on the faith of the Chamberlain having the power of giving us a licence, which he would not deprive us of without we were guilty of some outrage; yet I find they are keeping that theatre open in the very same street with myself.

3041. Did you ever take any proceedings against them for the recovery of the penalty?—No.

3042. Are you at all aware of the difficulty of proof there is?—Yes, I have heard of the difficulty of proof.

3043-44. You object to minor theatres acting the regular drama. You know, if any law were to be passed, it would be necessary to define what is the regular drama. You might say Shakspeare’s and Otway’s plays were the regular drama. Would you object to the proprietors of minor theatres purchasing tragedies or comedies from any new author; would you allow them to do that?—My own favourite plan always has been that the London theatres should be on the same plan as the Parisian. There should be the regular drama allowed at the two great theatres, as at the Théâtre François; it might be divided between Drury Lane and Covent Garden, and all the other theatres might play vaudevilles or variétés.

3045. Did you ever consider whether any plan could be adopted to give authors more remuneration, without injuring the managers of theatres, by taking away the right of acting plays without the consent of the author?—I think the rights of authors ought to be protected; and it would be one of the best sources of reviving a taste for the drama, for more pains would be taken by authors whose property was protected; and they ought not to be allowed to play them in a country theatre without a small remuneration, as in the French theatres, where every author receives something. A very considerable sum is paid to an author, 2,000*l.*, 3,000*l.* or 4,000*l.* for writing a play; that ought to be protected. For instance, I have paid, in conjunction with my partner, a certain sum for a piece called the Wreck Ashore, and I saw it advertised to be acted at the Queen’s theatre, *sans cérémonie*. It is true, I sent a remonstrance to them by a lawyer, and that particular piece was stopped, but that very night a piece of ours was played, called the Bold Dragoons, which was acted under the title of the Dragoons of Normandy. They send short-hand writers into the pit of the theatres now, and instead of the prompter getting that which was formerly considered his perquisite, they steal it without any ceremony at all, and it has become a kind of property among booksellers and adventurers.

3046. Do you conceive that giving dramatic authors a right of action would be a sufficient protection?—I think it would.

3047. Do you think they would be able to recover from other managers much recompense?—There are some, of course, who are more come-at-able than others; I should say such places as Bath, Edinburgh and Liverpool, and so on.

3048. I believe, in the French theatre, an author is entitled to so much of the receipts every night a play is acted?—Yes; we have no protection whatever now, for there are four instances before the town of pieces that I have purchased the copyright of, that are acted at Sadler’s Wells and the Queen’s theatre.

3049. How many months is your theatre open?—Six months; from the 1st of October to the night before Passion Week.

3050. Do you not open at other times for some other entertainments of your own?—It is open now with entertainments of my own.

3051. Under what authority?—Under the authority of the Lord Chamberlain’s licence.

3052. But you are only licensed for six months?—I have a special licence for these performance, and a magistrate’s licence also. The performance I am doing now does not come within any possible Act.

3053. Is

3053. It is not burletta?—No, it is an entertainment of the stage, and could not be stopped by any process on earth. Mr. C. Mathews.

3054. But you have applied to the Lord Chamberlain for his licence as for an entertainment of the stage?—That has been only within these two or three years.

2 July 1832.

3055. Why do you do that?—Because the Duke of Montrose particularly requested I would send a copy of it.

3056. Do you apply to Mr. Colman for the licence?—Yes, I do.

3057. Does he examine it?—Yes, he does; but he did not till within the last four or five years.

3058. But you are not compelled by law to do it?—It was not a vexatious thing at all on the part of the Duke of Montrose, but he requested that I would send a copy of it; I had never been subjected to it before, but he said his reason was, that there were a number of small theatres, and by and by, if I was going on with my performance without his licence, there might be indecency and political allusions. He only made it a sort of request that I would comply with it.

3059. That looks as if he thought it was within his power?—No; everything was done by Drury Lane to try and stop it if they could.

3060. Do you play during Lent?—I did not perform; the theatre was open in Lent, not on Wednesdays and Fridays.

3061. Did you not attempt to open it?—Yes, Yates opened it.

3062. Was it not stopped?—Yes, Mr. Mash said, by order of His Majesty; it was in Passion Week, and Mr. Mash came and saw the bills up, and said, "You must take down those bills, you are not allowed to perform to-morrow." Mr. Yates said, "Why, I have the express licence of the Duke of Devonshire to allow these performances during Lent, and the four nights in Passion Week are expressly mentioned." Mr. Mash said, "I have nothing to do with the Duke of Devonshire, but it is the express command of His Majesty that you close this theatre to-night."

3063. Did he produce a written order?—No; he came to the box-office, and said, "Take down these bills." Mr. Yates said, "This is a very extraordinary proceeding, for I have a special licence to perform;" on which Mr. Mash said, "Never mind that licence; I have the express command of His Majesty himself."

3064. Did not Mr. Dibdin carry on entertainments something similar to yours?—Yes, for many years.

3065. Without any licence?—Yes; but if I may be allowed to speak on that subject, I mean to say, when I was considered a rebel originally at the English Opera-house, the committee came to ascertain whether I had changed a scene or not, and proceedings were instituted against Arnold and myself for keeping open this theatre on a magistrate's licence only; and the present Lord Hertford endeavoured to prove dialogues, inasmuch as I spoke to myself in one voice and answered myself in another; but they could not go on with the proceedings. I was once refused permission by the mayor of a town, but by legal advice I put his authority at defiance, and he found he could not stop me. It does not come within any description whatever of that sort.

3066. You said Mr. Kemble had told you he and Mrs. Siddons attracted less at a small theatre than at a large one; do you not consider that actors of such extraordinary powers as they were appear to more advantage at a large theatre than at a small one?—I should say the magnificence of the style of the late John Kemble and his sister were seen to as great effect in a large theatre as in a small one; but there are a great number of persons whose countenance alone carries them to small theatres, for they cannot be seen to the same advantage in a large theatre as in a small one. But I never heard that objection stated during a fashion to run after every thing attractive; I never heard any people say they could not see Miss O'Neil; she was a beautiful actress, and everybody admired her. They did not say the theatres were too large then; but when they do not go to the theatres, they say they are too large. I find all the people who go in with orders say the theatres are too large; but those who pay for their admission are good-tempered.

3067. There are some great actors who play equally well in spite of the size of the theatre, but it is not a general rule?—No, those very actors who prefer a large theatre to a small one; I am not speaking for myself, for I cannot be said to be interested, but I never heard any objection formerly to the size of the theatres, and I did not feel any objection to it myself. When I played originally Sir Fretful Plagiary, I thought it depended on the expression of the face; but I did not find

Mr. C. Mathews.

2 July 1832.

it was at all less at Drury Lane ; I played it for 25 nights, and I never heard anybody say they could not enjoy the performance because the theatre was too large.

3068. Have you studied the patents of the great theatres?—No.

3069. Do you not consider the representation of Shakspeare's plays is generally better at large theatres?—I should say, Coriolanus and those classical plays are seen to greater advantage at large theatres, and I do not think there ever was an objection to the size of the theatre when there was a great attraction.

3070. Do you think morning concerts and evening parties injure the theatres much?—I think morning concerts have done more injury to the theatres than anything you can mention.

3071. Taking place at theatres?—Sometimes at theatres, and sometimes in rooms; and people who go there are so fatigued that they will not go to the theatres afterwards.

3072. Do you think minor theatres, generally, have been useful in the metropolis as a school for actors at the larger theatres?—Yes; there is not a question of it. That could be illustrated by many instances.

3073. Do you think they are such good schools as the provincial theatres used to be?—Decidedly, I do.

3074. Do you not think there would be a better chance of good pieces being brought out at regular theatres when they were allowed at minor theatres also?—If the rights of authors were quite sufficiently protected; but that is a *sine qua non*. I should say, they must be protected.

3075. But if they were protected, then you think the theatres of the metropolis would have the effect of producing a greater number of good pieces?—Yes.

3076. If you had a licence to act anything you liked, should you act regular tragedy and comedy in preference to the representations which you now act?—Decidedly not. Before I came here, I was not aware of the nature of the proceeding, for I was not aware that it was open to the public; I was not aware what I should have to say; I thought I was only to answer questions; but I said, all my creed is this, protect the legitimate drama, and protect me from being compelled to act it. It is all wrapped up in that. I should say, protect the property of authors; and when I pay an author for a piece, do not let it be stolen by others; let the legitimate drama be confined to the two theatres, but do not give me permission to act it.

3077. So far as you know, is that the opinion of the proprietors of minor theatres generally?—I really do not know the proprietor of another minor theatre, to speak to.

3078. Is that Mr. Yates's opinion?—I do not think Mr. Yates, if I may be allowed to speak for my partner, has so strong an attachment to the drama as I have. I am a sincere admirer of it, and as long as I had a leg to stand on, I supported it. I only left it because I became a lame actor.

3079. If the minor theatres acted the legitimate drama, would there not be more encouragement to authors?—If minor theatres were confined to certain pieces of their own, to vaudevilles, operettas, and things of that sort, it would afford equal encouragement to the persons who supplied Drury Lane and Covent Garden with regular comedies. There would be no objection to their supplying the Théâtre des Variétés with minor pieces, such as they were authorized to act.

3080. Still the superior regular drama would go to the larger theatres, if the permission to act it was thrown open; is that your opinion?—I think the public would benefit by each theatre being confined to its own particular class of pieces.

3081. You would give greater encouragement, then, to authors to produce small than great pieces; you would give the option of performing small pieces to a great number of minor theatres, and you would confine the larger and more regular drama to the two patent theatres?—No; because minor theatres could not afford to give a man more than 100*l.*, whereas a comedy has produced 800*l.* or 1,000*l.* at Covent Garden or Drury Lane.

3082. Suppose the minor theatres could represent them, they could afford to pay actors and authors?—To a certain extent; a few of them could; but they are much exaggerated as to their receipts and profits, for the Adelphi theatre will not hold one-fifth the audience that Covent Garden or Drury Lane will; therefore they cannot pay for talent in that way.

3083. But the expenses of scenery, and so on, would not be so great in a small theatre; they might pay a few actors just as well, but they would not employ so many actors, and it would not be necessary to have such expensive scenery. They might

might still be able to afford to pay well a few actors, and still to pay well the authors for a popular piece for a few nights, or for a whole season?—Certainly.

Mr. C. Mathews.

2 July 1839.

3084. Can you name any performer who has played at a minor theatre who has afterwards been engaged at a patent theatre?—Mr. Keeley is one instance. He is now a great favourite with the public; he is at Covent Garden. He was known only through the medium of the Adelphi. Mr. Reeve was another, and though accidental circumstances have removed Mr. Reeve once more to the Adelphi, still they were accidental circumstances; and under more auspicious circumstances he might have been a flourishing actor at Covent Garden. He also was only known to the great theatres through the Adelphi.

3085. Are there many other instances?—Many others.

3086. Do you consider that if the minor theatres were allowed to play the legitimate drama (if it was badly acted it is an evil that would cure itself), that when they saw they could not perform the legitimate drama, they would fall again into those vaudevilles, without any law to compel them to do so?—That is a very extensive question, and not a very easy one to answer; but I should say there are very few readers of Shakspeare; they know him only through the medium of the drama, and it is quite possible a person might go there and see one of Shakspeare's plays for the first time at a minor theatre; and it would damp his desire for the drama, if he saw it badly acted.

3087. My question is, suppose a small theatre was allowed to play Shakspeare; suppose you found you could not get up Shakspeare so well as you could get up your little pieces, do you not think you would adhere to those small pieces which you had found more attractive to the public?—We should adhere to those which were most attractive.

3088. Consequently, if you found small pieces were most attractive, you would act them in preference to Shakspeare; and he would not suffer that degradation which he would suffer if his plays were badly acted at a minor theatre?—I think there are a large class of persons who frequent the Adelphi theatre in particular, who perhaps would never follow the regular drama anywhere, but would prefer those kinds of pieces which come more within their understandings. And those persons who have no taste for the regular drama have recourse to excuses. Those who do not go will tell you they dine too late, or the theatre is too large, or what you please; but they are all excuses.

3089. Does it not a good deal more depend on fashion whether people go to the theatre or not?—No; I think a fashion very often is created where there is really a good piece, as in the case of the Hunchback. I believe fashion is most fatal to the drama. I meet young gentlemen now, who formerly used to think it almost a crime not to go to the theatre; but they now ask, "Whereabouts is Covent Garden theatre?" although the same people would faint away if you thought they had not been to the Italian Opera. If they are asked whether they have seen Kean or not lately, they will say, "Kean? Kean? No; where does he act? I have not been there these three years." Formerly it was the fashion to go to the theatre, but now a lady cannot show her face at table next day, and say she has been at the theatre. If they are asked whether they have been at Covent Garden or Drury Lane, they say, "Oh dear, no! I never go there, it is too low!"

3090. When was it not the fashion to go to the theatre?—I think it has increased very much. I think I can remember when it was not the fashion to the extent it is now. I remember the time when it was no shame to go to see the legitimate drama; but it is now.

3091. Do you not think that may be the result of the acting not being sufficiently good?—I want to know when the actors have not been sufficiently good for them. There is no demand for a time, and then it becomes the fashion again. It was the fashion to go and see Miss O'Neil for a season, and Mr. Kean for a season; if they were real and sincere admirers of those actors, they would follow them, but we find theatres at which they act drop down from 600 l. to 100 l.

3092. Have you ever seen any indifference on the part of people of fashion to go to Covent Garden or Drury Lane, when the performances were good, such as the Hunchback?—No; I have been contending for that. I made use of the expression, "it is scotched, but not killed." I do not believe the taste is at all extinct. I believe it is to be revived; but it would have a much better chance if it were not thrown open, in my opinion.

3093. Do you not think that fashion has not induced people to go to Covent Garden and Drury Lane, because the legitimate drama has not been played, but



Mr. C. Mathews.

2 July 1832.

because those pageants and beasts have been substituted for the legitimate drama?—That makes me wish they should be confined; they should not act pantomime at Drury Lane or Covent Garden. I think only one theatre in London should be allowed to act pantomime.

3094. Then you think, in point of fact, the public taste has not made any great mistake in not attending Drury Lane this year?—I cannot go so far as that quite, seeing so many of them here; and seeing that my observations are put down, I am afraid I shall be unpopular with some parties, but I speak from what I think; I cannot take upon me to say anybody is right in not going to the theatre.

3095. You would not go to Drury Lane only for the purpose of seeing the lions?—If they had played there for 40 years, I would not have entered the building where such a performance was produced.

3096. You never would go if the character of the pieces was such as have been latterly given?—I will not say, as have been latterly given, without I had the bills to refer to. I am speaking of such pieces as the Lions. I say that is *infra. dig.* completely. I would not sanction by my presence such a performance.

3097. But do you not think it would be more *infra. dig.* for Mr. Yates or Mr. Reeve to personate these very lions?—I am not afraid to say that was done without my consent; I was not present; I was making a tour in the country, and was not properly attending to my own business, but it should not have been done if I had been present; it was not done by my sanction.

Mr. Eugene M'Carthy, called in; and Examined.

Mr. E. M'Carthy.

3098. HAVE you not some share in the Dublin Theatre?—I was lessee of three provincial theatres in Ireland; I was lessee of a minor theatre in Dublin, not the Theatre Royal.

3099. Was that theatre licensed?—No.

3100. Then it was acting against the law?—It was completely illegal, as far as the law stands at present.

3101. What did you perform?—The regular drama.

3102. Was it a small theatre?—About the size of the Adelphi, I should take it.

3103. What theatre was that?—The Fish-shamble-street Theatre.

3104. You performed the legitimate drama, and what besides?—Merely dramatic performances.

3105. Did you find the legitimate drama attractive?—Yes, in that theatre.

3106. Therefore, as you acted both the legitimate drama and melo-dramatic performances against the law, you could have acted whichever you chose?—Certainly.

3107. And you preferred the melo-dramatic performances as being generally more attractive?—I did.

3108. Are you now a proprietor of any theatre?—No; I have been stage-manager of two minor theatres in London.

3109. Are you now?—Not at present; I have been.

3110. Are you acting now?—No.

3111. You have, I believe, paid a good deal of attention to the subject of the drama?—I have recently devoted my attention a good deal to it.

3112. What do you consider would be the consequence of suffering the legitimate drama to be performed at minor theatres?—I am an advocate for the free trade principle in every respect; I conceive it would be of infinite service to the public at large, a service to dramatic writers, and consequently a service to the members of the theatrical profession.

3113. In what respect do you consider it would be to the advantage of authors?—Because there would be a wider field for the exertion of their talents, and consequently those talents would be better rewarded.

3114. Do you consider, from your experience, that a minor theatre manager could afford to give sufficient remuneration to an author?—I should conceive so.

3115. From your experience, as far as you have seen?—Yes, from my experience.

3116. And to actors the same?—The same.

3117. As far as your experience has gone, suppose there was no law to prevent the performance of the legitimate drama at minor theatres; suppose a proprietor of a minor theatre were allowed to perform whatever he pleased, would he not so far consult



consult his own interest as not to act the legitimate drama, if he found he could not attract the public?—I conceive everything of that kind would find its level.

Mr. E. M'Carthy.

2-July 1832.

Mr. William Thomas Moncrieff, called in; and Examined.

3118. YOU are the writer of a great variety of pieces for theatres?—Nearly 200, I believe.

Mr.  
W. T. Moncrieff.

3119. Of what description?—Various kinds of dramatic pieces.

3120. Have you written any that have been acted at the large theatres?—Several pieces.

3121. What pieces have you written for the large theatres?—Monsieur Tonson was one; the Spectre Bridegroom was another; the Cataract of the Ganges, and several other pieces.

3122. Which was most successful?—The Cataract of the Ganges had the longest run.

3123. How many nights was that piece performed?—Very nearly 100.

3124. What was the remuneration you received for it?—At that time I was regularly engaged at the theatre as a sort of hack author; I had so much a week expressly to furnish pieces at a very short notice; whenever the theatre was in want of a piece, I had about 24 hours' notice to write it.

3125. Was that frequently the case at large theatres?—Yes.

3126. Twenty-four hours notice for a piece?—Yes, I had, for a farce.

3127. At what theatre?—Drury Lane.

3128. How long ago?—I should think about seven or eight years ago.

3129. What were you then allowed a week for your services?—I had 10*l.* a week.

3130. On an average, how many pieces do you think you produced in the course of one season?—About four, from four to six.

3131. Were any of those successful pieces taken from minor theatres?—One of my pieces was, very much against my inclination, taken from a minor theatre, and played at Drury Lane in defiance of me; that was a piece called Giovanni in London. I objected to it greatly, for I did not consider it a species of piece to be introduced on the legitimate boards; they persisted, however, in playing it in spite of me, and told me I might apply for an injunction against them. I applied to a lawyer, and he said he should want 80*l.*, therefore, as I had not 80*l.* to dispose of, I had no means of preventing their performing it.

3132. What did you receive for it?—I was cheated of it altogether; I never got but 10*l.* for it. It was brought out by Mr. Elliston at Drury Lane.

3133. Was it published?—Not till two booksellers applied to me, each to protect himself against the other, neither of them having any right to publish it at all.

3134. Did Drury Lane give you anything for it?—No, they did not give me anything. Mr. Elliston said, "No, I will engage you on the stock, we shall want some things in the course of the season," and would give me an engagement, which I had for nearly three years, till I quarrelled and went away.

3135. You had 10*l.* a week, and produced four pieces in the season; how many weeks did you receive 10*l.*?—During the whole season.

3136. What was the total amount of the salary you received in that season?—I forget the number of weeks, it was a season, and the season consisted of 200 nights.

3137. Was it for the whole 40 weeks?—Yes, I had 10*l.* a week.

3138. You considered yourself sufficiently paid?—Very well paid.

3139. But it was at Drury Lane where your piece was thus pirated, and your lawyer, in consequence of your not having the money to go to law with, still assured you you had the law on your side?—He told me he could procure me an injunction, but it would cost me 80*l.*

3140. But Mr. Elliston played the piece in defiance of you?—Yes.

3141. And made money by it?—A great deal of money by it; he brought out Madame Vestris in it.

3142. Did you not write Black Eyed Susan?—No, Mr. Jerrold.

3143. What successful pieces have you brought out at minor theatres?—Tom and Jerry.

3144. Were you paid for that?—Yes, I got very well paid for that.

3145. What minor theatre was that?—The Adelphi; it had a most extraordinary run.

3146. How many nights was it performed?—I should think nearly 300.

Mr.  
W. T. Moncrieff.  
2 July 1832.

3147. How were you remunerated there?—I think I had about 200*l.* for it; it was a bad engagement for me, for I left my engagement at Drury Lane on some promises that were not fulfilled, so that I consider I lost money by Tom and Jerry upon the whole.

3148. Do you consider that the principle of fair remuneration to authors is not strictly preserved in this country?—I am certainly not much acquainted with the French stage, but I know their mode of remuneration, and I think nothing better could be done than to adopt the same system in this country. As the drama is at present constituted, it is impossible for any man, whose misfortunes may oblige him to resort to that species of writing, to obtain a fair remuneration for his labour and talent; the laxity that has crept into the different theatres in London renders it impossible, except by mere accident. A man may write a good piece and get well paid for it, but he must wait a long time.

3149. Suppose the same system were to be adopted here as in France, that no work of an author could be performed at any theatre, whether metropolitan or provincial, without his consent; what would be the consequence suppose one small provincial theatre were to act a play without his consent; do you suppose he could not recover from that provincial theatre?—I have been ever of opinion that if I could have gone down to Norwich, suppose I had brought out a piece at Drury Lane or Covent Garden, Mr. Kenneth, or some other dramatic agent, would procure a copy of it, and the moment he does so he retails it out to various country theatres, at about 2*l.* or 3*l.* a copy, by doing which he makes a very considerable profit, often much more than the author of the piece himself; but I think if the author could go down to one of those theatres; if I could have gone down and seen my piece played there, I could have taken a person into the house, counted the house, and seen what was there, and could have had a copy of the piece with me to prove it was my piece; I think I could have brought an action to recover the profits of that audience.

3150. Under the present state of the law?—Yes.

3151. Not if you had published the play?—No; but if the piece was unpublished, such might be the case; it might be a risk and require money.

3152. You conceive a very successful author could not fail to be remunerated if the French law were adopted, which does not allow pieces to be performed at any theatre without the consent of the author, under the penalty of forfeiting the whole profits; you think if this law was adopted, an author would be remunerated in proportion to his success and popularity?—If the law were in existence, that half-a-crown an act should be paid as it is in France, instead of being one of the poorest men, I should be one of the richest.

3153. You suppose that if it were a lucrative profession, many persons who cultivate literature would be induced to exercise their talents in this branch of it; you suppose their talents would be directed to dramatic writing in preference to any other?—I have no doubt about it.

3154. Do you conceive that would be increased by allowing the legitimate drama to be played at minor theatres?—No, I think not; I think it would have a very bad effect, for the major part of managers are money-making men, they have no regard for the drama further than as a means of profit to themselves, as you have seen lately since they have been playing it; they have no sort of discretion; I have seen them play *A New Way to Pay Old Debts*, as a first piece, and then *Othello* as a farce, and both these pieces have been represented in a most disgraceful manner.

3155. If it were lawful to act the legitimate drama, would not persons of greater character and respectability take minor theatres and perform in them with greater advantage of taste and capital than they now command?—I scarcely conceive so.

3156. What do you mean by the legitimate drama?—It is rather an indefinite thing, certainly; I consider it to be a drama that represents fairly the manners of the time and the minds of men, divested entirely of all that melo-dramatic nonsense which we see.

3157. How could you define that by law?—That would require a more able legislator than myself.

3158. Tom and Jerry, now what do you say to that?—That was anything but a legitimate drama.

3159. But it exhibited the manners of the times?—Yes, it did that in some measure, but it was mixed up with all sorts of trash to draw an audience. I conceive that if the minor theatres were classed, it would have a most beneficial effect; and they

they would then become nurseries for dramatic talent, which they are not at present, for such is the spirit of parsimony among the managers, that sooner than pay an author for a piece, they will act Hamlet, and call it by some other name.

3160. If you had the privilege of copyright, it would leave a manager at the mercy of an author more than he is now?—Yes, more; but I think it would have a beneficial effect.

3161. Suppose, instead of writing these little pieces, your talent had happened to lie in the higher and more legitimate walks of the drama; suppose you had not that versatility you have now, but could only write tragedies and comedies, and suppose they were rejected at the two great houses?—I say, let the great houses have the privilege of representing Shakspeare and Massinger, and the plays of all the great authors who have appeared down to the present time; but let the minor theatres play any piece they can get written for them; if they can start a Shakspeare, in Heaven's name let them do it; but do not let them meddle with the present settled drama of the country.

3162. Is that no contradiction to what you stated before, that they ought not to play the legitimate drama? You stated just now that they ought not to play the legitimate drama; you wish to correct that now, by stating that you confine that opinion to such plays as are at present written, and that they should have the privilege of acting any plays they can get written for them?—Yes, I think it is for the benefit of the drama that the theatres royal should have the exclusive privilege of playing pieces that have descended down to this period; after that, if the minor theatres can get the legitimate drama written, and they find it worth their while, I should say it would be better to allow them to perform it.

3163. What you mean is, that minor theatres should have the power of acting any drama they can get written for them?—Yes, anything new that they can, by their liberality, get written for them; it would be a great encouragement to dramatic literature, and most beneficial to the drama in general.

3164. Then suppose you left Shakspeare and the old writers, that is to say, all the writers the great theatres have now the fair privilege of acting, by leaving them the exclusive monopoly would be giving a great advantage to the great theatres, almost in the light of a compensation?—Yes; but at the same time I give them the exclusive privilege of playing those pieces, I would restrict them from performing those monstrosities they have been playing; that would be fair play. Do not you trespass on our bounds, and we will not trespass on yours. From my long experience, and I have had long experience both in management and in various departments of the drama, I have ever seen those theatres which confined themselves to the peculiar class of pieces which seemed to be natural to their house, have always made money: for instance, the Adelphi plays a certain class of pieces, and if they were to go out of that class they would lose money, but by confining themselves to it, they get a great deal of money; the Olympic and Astley's the same; and the Coburg would be the same, but it has gone out of its way; if they had confined themselves to the pieces they had originally set out with, spectacles, such as the North Pole, and other things they set out with, they would have made as much money lately as they made before.

3165. Do you not think that things would find their level, and that managers would act those pieces they find most to their interest?—I have seen them do such very strange things that I really do not know what to say.

3166. You do not think they are so sensible as the rest of mankind?—Upon my word, I do not know; they are very mad at times.

3167. What are the pieces that have failed at the Coburg?—When I tell you that they have brought out in the last five years perhaps three or four hundred pieces, it is impossible for me to recollect among such an immense number.

3168. When did they make more money than they are now making?—When the theatre was originally opened by Mr. Glossop.

3169. For what?—For a sort of dramatic dramas and spectacles, and broad burlettas. I was originally engaged to manage that theatre, but it did not open at the period that was intended.

3170. But have they not gained money by Mr. Kean?—No, Mr. Davidge has lost money; the people would not go to see him, and Mr. Downton played to nearly empty benches. The engagement of all these stars has been unproductive to any of these theatres.

3171. In short, the star itself has not been productive?—It has been the ruin of the theatres, and the ruin of the drama.

Mr.  
W. T. Moncrieff.

2 July 1832.

*W. T. Moncrieff.*

2 July 1832.

3172. Were all the pieces that you have had performed at the large theatres submitted to the licencer?—Yes.

3173. Every one?—Every one.

3174. And have you had many pieces refused?—I never had one.

3175. Tom and Jerry was not submitted to the licencer?—Yes, it was.

3176. To Mr. Colman?—Yes, the Duke of Montrose came to see it; there was a great outcry made against it, and the Duke of Montrose came to see it. I beg to correct myself, Mr. Larpent was the licencer, and not Mr. Colman, at that time.

3177. And Giovanni in London, was that submitted to the licencer?—That was submitted to the licencer, and I was astonished at it.

3178. You were astonished at his licensing it?—Certainly I was; I do not consider that piece ought to have been licensed.

3179. Have you ever considered the subject of licensing, whether it would be better to entrust it to one, two, or three persons, or to a committee?—I think it would be better, perhaps, to entrust it to two or three persons; I think there ought to be a sort of board.

3180. That is the case in France, is it not?—Yes; I think the drama cannot possibly be placed in better hands than under a general licensing board. I should certainly advocate that; I think it would prevent a great many disgraceful pieces from being brought out which tend to disgrace the drama.

3181. Did you ever attend to the history of the drama?—Yes.

3182. Do you ever recollect, that in Elizabeth's time the Master of the Rolls had two assistants?—I am aware of that; I believe he had.

3183. Do you think that might be revived with advantage?—I think so.

3184. One was a deputy from the Privy Council, and the other was from the Lord Mayor, I believe?—I think that was the case.

3185. Perhaps you might choose better than the Privy Council or the Lord Mayor?—Perhaps so. I conceive the audiences in Elizabeth's time were much better and much more refined than they are now.

3186. Yet Ben Jonson attacked them?—Yes, he was a very splenetic fellow; he was not like gentle William.

3187. Do you not recollect many passages in the plays of those days which the audiences would not permit now?—I wish to believe those were interpolations by the actors.

3188. Do you find the licencer is much more severe on any political allusions than with respect to the morality of them?—Certainly.

3189. And perhaps you think the public may be more safely intrusted with the inspection of pieces so far as their morality is concerned, than as to their political allusions?—Certainly. Mr. Colman has been rather particular; he would not let one mention the word "thighs," in the *Bashful Man*; he said those were indecent; and he would not let me insert "goblin damned," for he said it was blasphemy, and a number of things of that kind; therefore he was very strict.

3190. Do you consider him rather a capricious licencer?—Yes, very.

3191. You think it absolutely necessary to have a censorship?—I think it would be to the general advantage of the drama.

3192. Which piece do you say ought not to have been licensed?—Giovanni in London; it was written before I arrived at years of discretion, or probably I might not have written it.

3193. Was it not attractive?—Yes, immensely attractive; and is to this day. They put a lady in it with a pair of pretty legs, and that will always draw 80*l.* at half-price.

3194. It is not the property of any particular theatre?—No, any theatre may play it that likes; they are playing it now at the Strand theatre.

3195. What do you suppose you would have derived from that if the French system were adopted?—I should have got quite enough to have kept me very comfortably all my life, even from that piece alone.

3196. The inference from the success of that piece then is, that the public taste is not quite to be trusted?—I conceive it is a great deal the fault of the managers; I do not think the public are so much in fault, though it is the fashion to say they are. I think if the managers would give them more intellectual pieces, there would be no want of patronage on the part of the public.

3197. You said it ought not to have been licensed, and yet it was attractive?—  
Many



Many persons went there because, as I have told you, there was a pair of pretty legs belonging to a lady, which made it attractive; and there is a great deal of popular music; it is a very amusing piece.

3198. But it may be very amusing without at all improving the taste?—It cannot improve the taste.

3199. It triumphed, then, not on account of its excellence, but in spite of its badness?—That was it.

3200. Have you any other general suggestions to make to the Committee?—Merely that I think the whole of the theatres ought to be classed, and put under general censorship, and that the minor theatres should have the liberty of playing such pieces as they could procure; and I think the patent theatres ought to be protected, as far as the protection I have named, so far as having the exclusive right of representing the standard plays of this country up to this period; and I think also, the rights of authors should be protected, by affording that remuneration and that favour I have mentioned.

3201. You say they ought to be protected; do you think it would be a protection if the minor theatres were allowed to perform legitimate dramas, which they might purchase, or anything else?—Yes; if you go to see the *Hunchback* so beautifully and correctly represented, it is obvious no minor theatre could present it in that way. I am certain of this, that if it had been brought out at any minor theatre, it would have been put on the shelf in three nights, and the author would not have got one farthing for it.

3202. Suppose some minor theatre had engaged Mr. Knowles, Miss Kemble, and Charles Kemble to perform in it, then it must have told equally well at a minor as in a great theatre?—No; the piece was generally throughout played with so much perfection, that I think you could scarcely find any community that could have played like it.

3203. Your opinion is, that the interest of the two great theatres would be protected if the minor theatres were rendered lawful, and allowed to perform any legitimate drama which authors might write for them?—Certainly.

3204. Do you not think that many dramatic authors could be so altered as to make it difficult to distinguish an old play from a new one; could they not take the *School for Scandal*, and so alter it as to give a right to the minor theatres to act it under the name of a new play?—No, I think the trouble of doing that would not repay them; I do not think there is any fear of that.

3205. Would it not be very easy to escape the law by such a process?—I do not think it would be worth their while at all.

3206. Do you not think it would be sufficient security to the major theatres if they were subject to the revision of licensors, who were to decide whether it was an old piece or a new piece?—I think it would have a general beneficial effect to have a censorship.

3207. You said you thought it would be a sufficient security to an author for his copyright, if he could go to any theatre in the country where his play was being acted, go into the house and then claim the profits of the house that night; in what way would you claim it?—It strikes me an action at law might be brought.

3208. And summary proceedings before the magistrates; do you mean by information?—That would be much better, but I question as the law now stands whether such a thing is possible.

3209. Do you conceive it would be of any use to an author, unless he had a summary proceeding before magistrates by information?—He must have a summary proceeding, or else it would be of no use to him. The best way, I think, would be for the Legislature to enact some scale of remuneration for ourselves; these managers would practise on the necessities of poor devils of authors, and they would get nothing at all.

3210. But that is not the plan in France?—I think it is three francs an act that is paid.

3211. The law states precisely that the proprietors cannot act any piece without the express and formal consent of the author in writing, therefore of course it remains with the author to make any bargain he pleases; there may be a special custom introduced, but the law itself recognises no such custom?—I was not aware of that; I know the scale of remuneration is three francs an act.

3212. Almost any barn could spare that here?—I certainly think so.

Mr.  
W. T. Moncrieff.

2 July 1832.



*W. T. Moncrieff.*

2 July 1832.

3213. You would consider that sum even an ample remuneration?—I think so, after an author has got his money for it at the London theatres.

3214. That might amount to 100 *l.* a year from all the theatres?—I know if such a scale of remuneration was adopted, I should consider myself a fortunate man, for I think I should have got 7 *l.* or 8 *l.* a night very often.

3215. How should you get it?—There are dramatic agents; it might be done through the medium of those agents,

3216. Or you might compound with them for it?—Yes.

*Mr. George Bartley, called in; and Examined.*

*Mr. G. Bartley.*

3217. HAVE you a share in one of the theatres?—No.

3218. What are you?—I am stage-manager of Covent Garden theatre, and a performer there.

3219. How long have you held that situation?—Three years.

3220. What are the duties of stage-managers?—Very extensive.

3221. Do they extend over all the new pieces that are produced?—Over the production of them all.

3222. Is it you who direct what pieces shall be performed?—No, they are given into my hands by the proprietors; they have been, and I presume will in future, be given into my hands by Mr. Laporte, who is the lessee.

3223. Then you look at them, and see which of them you will recommend?—No; they have been in the habit sometimes of asking my opinion whether such a piece should or should not be acted, but I do not know that they have ever gone on my individual opinion in any one instance.

3224. They have been given you to be cast?—No, the proprietors will always take a part in the casting of a piece, they generally cast it themselves; Mr. Kemble was the person who generally cast the pieces; my duty was to bring them on the stage, to bring them out; and the general arrangement of what we technically call the business of the stage, is my department.

3225. It does not come under your province to send them to the licencer?—Yes, they are never sent to the licencer till they are given into my hands to produce, and that is the first step I have to take.

3226. How many years have you been there in that capacity?—Three years.

3227. During that time there has been no piece brought out that has not been submitted to the licencer?—Certainly not.

3228. Has he rejected any pieces during that time?—Never during that time.

3229. In short, he never does reject any pieces you think the public are likely to approve of?—He has never rejected any piece that has been sent for the last few years; he generally sends them back with a few observations upon them, and sometimes there will be particular words in a sentence that will be marked, and at other times he would wish a whole sentence to be expunged.

3230. You do not invariably adhere to it?—Yes. The prompt copies are always marked according to the instructions of the licencer, but I will not say the actors always attend to them, it is rather difficult to do so; for instance, we get a piece put into rehearsal at the time it is sent to the licencer, and he may take a week or a fortnight to look it over if he likes, though he is generally very kind in sending them speedily back; but the piece has been studied in the meantime, and the actors are in the habit of repeating those words.

3231. In short, in one way or other, the corrections of the licencer have been evaded?—Never in any strong instance, never in a whole sentence, that has been particularly attended to.

3232. In trifles, then?—In the marking out of a particular word in a sentence, it has been done, certainly, for it is a difficult thing for an actor to bear it in his mind.

3233. One has very often heard expressions commonly called oaths, such as “damn it;” I suppose they were not sanctioned by the licencer?—Certainly not.

3234. Those words have been interpolated by the actors?—Yes.

3235. What do you pay for the examination of each play?—Two guineas.

3236. Do you think the Chamberlain has the power of enforcing that by law?—I never went into the subject; I know it has always been paid; I do not know how it originated, but it has always been attended to.

3237. Do you think it necessary there should be a licencer?—Decidedly.

3238. And that it ought to be extended to all theatres?—To all theatres.

3239. And

Mr. G. Bartley.

2 July 1832.

3239. And do you think it is better that the power should be intrusted to one person?—I should think it was better intrusted to one office most assuredly, and to an individual, if his powers were defined.

3240. Why do you think so?—Because I think if it were intrusted to any body of men, it would take more time, in case of the law being infringed, to get a remedy; a body of men would not be able so speedily to put an end to any improper conduct as an individual; but I think it a very hard case indeed that a licencer, be he Lord Chamberlain or whoever he may, should be allowed to exercise his own opinion on a subject with respect to which another licencer might take a different view.

3241. You think there ought to be some appeal; defining his powers would render it impossible for him to go beyond them without positive proof to back an appeal?—There is a great deal more said about it than it deserves, I think.

3242. In short, your opinion is, that it has been fairly administered?—Indeed, I think so: now and then vexatious passages have occurred, but it appeared to me that the licencer chose to put a mark on any word he thought might be applied objectionably; for instance, there has been a great deal of discussion here about the word “angel,” and so on. Mr. Colman invariably marks that as an objectionable word: that is a word among many others, but I should presume in some instances he would not have objected to its being used, but if he let it pass in one instance, it would be said he ought in another; it might be very objectionable sometimes, and then they might say, you did not object to it in this play; I have always thought that Mr. Colman, by marking particular words, reserved to himself discretionary power to bear him out, when he said such things shall not be said.

3243. You think his power has not been exercised capriciously?—I think not.

3244. You have never been able to get over the strong instance of *Alasco*?—Yes; that renders it so hard a case on the patent theatres, that while they conform to what they understand to be the laws of the country, and while they pay every attention to the dictation of the higher powers, a minor theatre will start up like the Coburg theatre, and get a licence; and yet that theatre, on a play being published, can take that play and act it, in defiance of the patent theatres and the Lord Chamberlain and his licencer.

3245. Yes, because it is not within the province of the Lord Chamberlain?—Yes; and that constitutes the hardship on the large theatres, of which I complain; and for that reason, I think the theatres should be under one controlling power.

3246. That is not a hardship to the author of the play?—Decidedly.

3247. Suppose he wished to take it there, it would not be a hardship upon him?—Suppose Mr. Shee had declared he wished to take it there?

3248. Yes, that would not be a hardship upon him?—Not perhaps in that instance. I take it, it was acted there, because Covent Garden could not receive it.

3249. But was it not considered an instance of very vexatious interference of the licencer with respect to that play?—I am not aware that it was vexatious; it is a great while since I read it, but there were some strong political allusions contained in it, and there were some political events then pending which that play bore upon, and when I read it, the impression upon my mind was, that I did not wonder the licence had been refused.

3250. Where do you say *Alasco* was acted?—I think it was acted at the Surrey theatre.

3251. Not at at the Coburg?—Not at the Coburg.

3252. You have been many years at Covent Garden?—Yes, ten.

3253. As stage-manager, have you examined the patent of the great theatres?—Never.

3254. So, then, you are not aware what exclusive privileges you possess?—I have been given to understand, when I have asked the question, that they had the power of acting any species of entertainment they liked.

3255. But you never looked into the law of the case?—Never.

3256. Are you of opinion that the minor theatres have been prejudicial to them?—Yes.

3257. State your reasons.—The minor theatres, since they have increased in number, have produced a great variety of minor pieces, minor in talent, a species of drama that you can best designate as melo-drama; and some of these pieces have been written upon very interesting subjects, and have been for a time popular, and from the number of these theatres there has been always some popular minor piece to be produced, such as the *Wreck Ashore*. I do not mean to particularize any pieces when I mention that; but *Tom and Jerry* and *Black Eyed Susan*, they have

Mr. G. Bartley.

2 July 1832.

been played almost exclusively by provincial theatres for a great number of years past, and consequently the managers have given a taste to country towns, or whether the public taste would only receive that species of entertainment, is not for me to say; I only speak to the fact, that these pieces are almost the only ones now performed in provincial theatres, and they do not require the same talent to act them as the plays of Otway, Shakspeare, Rowe or Colman, or Sheridan, or our settled drama; hence it comes that these persons in the country have no practice in what we call the regular drama. When I first came to London, 30 years ago, there were none of these theatres open, and the regular drama was the only thing that provincial managers could have recourse to. At that time, we heard of Mr. Elliston at Bath, Mr. Young at Liverpool, Mr. Mathews at York, Miss Duncan at Edinburgh, Mr. Richard Jones in Dublin, and I may venture to say, my wife in Bath, and a number of performers who came to London, tutored first-rate actors, and paid first-rate salaries; they only waited for the retirement of some performers to take their place. It was as well known to the dramatic world as it was afterwards to the public, that these persons were to be found at these theatres, but now we do not hear of them.

3258. Did you ever inquire?—Yes; at that time we always used to hear of these people, and know where they were, but we never hear of them now.

3259. How is that?—Because they never have the practice; they do not in general play those characters which are calculated to give them reputation. At the time I am speaking of, it would answer the manager's purpose to let Mr. Elliston act Othello, or Felix, or Benedict, each season three or four times. Now, even in the Bath theatre, not any one of these plays is ever thought of being got up by the regular company; they only play novelties, and therefore an actor, however great his talent may be, has no chance; the manager cannot afford to let him act Hamlet three times in a season.

3260. I do not see how this applies to the minor theatres?—Because it is giving such a quantity of these time-serving, popular dramas to those provincial managers to select from, that they make up their performances almost wholly of them.

3261. Have the large theatres as many melo-dramas and small pieces as the minors?—No, I should think not.

3262. Was not the first melo-drama produced at Covent Garden?—Yes, I believe it was; the Tale of Mystery was the first drama I remember to have been so called, and to have musical accompaniments.

3263. You seem to say that there is an injury done to the drama by the alteration of the practice in country theatres?—I think at present there exists no provincial school to rear good actors for the metropolis.

3264. I do not see how any regulation of minor metropolitan theatres would affect the country school of actors?—No, that leads into another question; I was asked whether I thought the present state of theatricals was advantageous for the growth of talent; I should say, certainly not for first-rate talent.

3265. Then the consequence, I understand, is, that you think there is a paucity of talent, because the legitimate drama is not played so much as formerly?—Yes.

3266. You do not think the legitimate drama has been preserved in the provinces?—No; because it has been so much infringed upon by other things.

3267. Do you not think it would be greatly to the advantage of the drama generally if the legitimate drama were more performed at various theatres in England, because you would create a purer taste and procure a better school of actors?—Yes, if they could get actors to act them, but it would be a work of very long time. I am thoroughly convinced they could not act what I mean by the legitimate drama of this country at a minor theatre in England; they have not talent to do it. It is with the greatest difficulty you can get a piece thoroughly well cast and played at large theatres.

3268. You say this was the case once; you state, at the time to which you refer, when the legitimate drama was played, the actors were better; why would not that be revived?—I do not mean to say it would not be revived, but it would be a work of time to accomplish it.

3269. It is not impracticable?—Certainly no men but practised actors can act Hamlet or Macbeth; no man, unless he was a practised actor, could do it unless he was a man of very great genius.

3270. And that shows a necessity for schools?—Certainly.

3271. Have you studied the powers of the Lord Chamberlain, or what you consider to be his powers?—No; I have always taken it for granted to be

(as

(as we considered it to be) paramount, and we have obeyed every instruction we received.

3272. Do you not think he is exceeding his power and doing great injury to you by licensing these foreign representations at the Opera-house?—O yes, certainly.

3273. Or anywhere else?—Or anywhere else; there is no licence required at Covent Garden.

3274. Do you not think the public taste has rather taken to the foreign representations?—Yes, with foreign music; we have thought it to our interest to introduce foreign music in our performances, with English words.

3275. You say it is in consequence of the performance of these small pieces that the taste for the drama deteriorates; it would therefore be exceedingly bad if you were to open a great number of small theatres, and confine them to the performance of these small pieces that you think would deteriorate the drama?—God forbid there should be any more theatres in or round London!

3276. Suppose the law were settled that these theatres should be allowed to act, would it not be much better that they should act the legitimate drama, which you consider to be the best school, than those small pieces which you think deteriorate the taste for the drama?—No, I do not think so.

3277. Is not that a necessary deduction?—No; I think the talent of actors in and about London is not sufficient to sustain those plays with respectability.

3278. But they would rear talent?—Yes; but I heard a gentleman say here the other day, “Do not let us legislate for our grandchildren;” and I should say the same.

3279. But is it not rather unjust to assume that these small theatres injure the drama, when you consider they are not entitled to act the legitimate drama?—I do not know they have a right to act anything at all in comparison with the rights of the patent theatres. A theatre was built in the Strand; it was begun 30 years ago; the proprietor built it purely upon speculation, to get any licence he could; and there was a sort of inferior performance went on there a great number of years. At last the proprietors sold this property, and since that time that theatre has got into repute, and become positively a rival to the great theatres. I do not mean to say they have done so unjustly, or that they have infringed upon their rights at that particular theatre, but they have done a great injury to the receipts of the large theatres, and every theatre that is opened does the large theatres an injury.

3280. You say these theatres ought not to be allowed to act at all, and your reason is, the injury they would do to the two theatres; that makes your principal objection?—No; I object to the principle upon which they have established themselves. They have been allowed to go on, I do not know with what right, till they have become formidable opponents, and the proprietors of the large theatres have been much to blame; they should have tried to have brought this question about many years ago.

3281. They have the law in their own hands, I suppose?—You cannot say they have the law in their own hands when there is such great difficulty in getting the law executed.

3282. Would there be great difficulty in getting the law executed by applying to a magistrate?—They have found it difficult; it has been thrown out. I know an attempt was made, and there was a meeting at Bow-street respecting it, and the thing was thrown out, and it was considered a total failure.

3283. Was not the magistrate to blame?—I presume he was.

3284. Who was the magistrate?—Mr. Halls, I have heard, but I do not know. It would be very impertinent in me to say positively he was to blame, for I do not know the law.

3285. Was not that the opinion of the persons interested in applying to him?—Yes, it was.

3286. Why did not you take out ulterior proceedings to try whether he had the power or not?—I think they went to the Court of King’s Bench and recovered penalties there at a very large expense, and the man went away: that was the same case that was proceeded with before the magistrates.

3287. Did the Court of King’s Bench attach any blame to him for not interfering?—That question did not come before the Court.

3288. You proceeded against the same party, and not against the magistrate?—No.

3289. Why did not you proceed against the magistrate for not having executed

Mr. G. Bartley.

2 July 1832.

the law which you say exists?—I rather think they took it into Court to establish the right, and to see if they had the power. I believe the proprietors were so sick of the law in every way, and paid so dearly for it, that they were glad not to pay any more for a thing than was gone by.

3290. But it would have been a much more summary way to compel the magistrate to do his duty?—I think it would.

3291. You have declined to pursue the privileges you possess?—They do not do it; but that is a question rather for the proprietors than for me to answer.

3292. Why did not you apply to the magistrate again now that he has authority to act?—That is a question which should be asked of the proprietors, and not of me.

3293. Do you not think that they are to blame?—Yes, I should say they were to blame, except that these men have been wearied to death with law, and are sick of the name of it; they have been trying for the last year or more perhaps to wind up their affairs, and to bring them to such a point that they could let the theatre, and they were loth to involve themselves while they found it a losing concern.

3294. What plan have you to suggest that would relieve the broken fortunes of these two theatres; what power could we give them to retrieve it; is it beyond all hope?—I do not say so, but I would not speculate in either of the large theatres, or in any other theatre.

3295. Have you any plan to suggest that would improve their condition?—If there were fewer theatres open in London, that would improve their condition.

3296. In Westminster?—In and about London; I think there is no difference whether the theatre is on one side of the water or the other.

3297. Mr. Mathews says there is an audience attached to the Adelphi theatre, and that he does not injure Drury Lane and Covent Garden so much as has been supposed?—I think he is mistaken in that; I think the minor theatres opened in the neighbourhood of these great theatres may detract from each, every night, something like 60*l.* or 80*l.*, and the difference between that and what they receive is the difference between ruin and fortune.

3298. What are the receipts?—I do not know; I cannot answer these questions without I have the documents before me, and I never looked into the books.

3299. Do you not think if there were no minor theatres the performers would be much at the mercy of the two great theatres as to their engagements?—No, not at the mercy of the two proprietors; I think as far as the comfort and advantages of the performers were concerned, they were better off when there were fewer theatres than there are now.

3300. Are you not aware that agreements have been made between the two great theatres to limit and restrict the salaries of actors?—Yes, but not in an unjust manner.

3301. But they have been always violated?—Yes, even when these agreements were made.

3302. What theatre has violated them first, Covent Garden or Drury Lane?—Of course Drury Lane violated them first.

3303. Do you not think it is a hardship upon the performers?—No; for there was a liberal allowance to the performers at that time.

3304. But if it was violated, the performers did not consider it liberal?—If the performer is to have 20*l.* a week, or 20*l.* a night, he would prefer 20*l.* a night, of course.

3305. But it would be a great hardship upon the performer to have his salary reduced in this way?—I think the hardship but small, when they were in the habit of having sums offered them which the greatest actors were offered formerly; and when it brought the general expenditure of the large theatres to a limit there was a hope of remuneration from.

3306. Surely the performer has a right to take his talent to the best market?—Undoubtedly.

3307. What is the difference in the receipts of Covent Garden theatre before and after the minor theatres were opened, for there is a season when they are not opened?—Not now; in one way or the other, they are open all the year round.

3308. Do you think men of education and talent would have sufficient inducement, if the monopoly were thrown open?—I do not think throwing open the monopoly would be of any general advantage to the drama.

3309. Do you think men of education and talent would have sufficient inducement to become actors?—Not more than they have now.

3310. You.



Mr. G. Bartley.

2 July. 1832.

3310. You think it would be the same thing with regard to them?—Yes.

3311. They would be neither more nor less?—No, I do not think it would affect it at all.

3312. You think the competition of the minor theatres has very much diminished the profits of the large theatres?—I have no doubt of it.

3313. And you think the more their licence is extended the more injurious it would be?—Yes, I consider the more theatres are open the more injurious it is.

3314. And the more the privileges of those which already exist, the greater would be the injury?—I do, and I think it would be prejudicial to them too. I think it would be better to have the theatres as much as possible classified in the way the last witness suggested, and to bring them under one control, specifying the arrangements that were to be made for each theatre, and putting it under one control.

3315. And that to be the Lord Chamberlain?—Yes, I should think him to be as proper a person as any.

3316. Do you think if they were all under the control of the Lord Chamberlain it would be better than it is now?—I certainly do.

3317. Do you consider that the bread of yourselves and other actors would be in danger if the minor theatres had an extension of privilege?—No, I do not know that that would be the case. I do not think we should be advantaged by it; it would be more detrimental, I think, than serviceable.

3318. Can you name any eminent performer of the two great theatres who did not realize a fortune?—O yes, I could name a great many, but I think they may have had it in their power not to realize good fortunes, but certainly independence, if they had been prudent. Those that are prudent can realize very well.

3319. Are you not of opinion that the great theatres fairly remunerate the talent of actors?—Indeed I think they do, and they would willingly give more if they could.

3320. They necessarily must employ a smaller number of actors if there were more theatres employing actors?—Yes, a smaller number of persons would be employed.

3321. But the individuals employed are better remunerated?—Yes.

3322. Is not the expense of producing a drama in the magnificence of the two great theatres such as, however beneficial it may be to actors and authors, almost to preclude any profit to the proprietors?—Yes, I should think it is; in short, it is very difficult indeed to produce profit to the proprietors.

3323. Do they make a large profit by those spectacles, and things of that kind?—No, they have not made a large profit for many years, with the exception of one season, that I know of.

3324. I am speaking of particular occasions, when they make large profits by great spectacles, by those sorts of exhibitions which cost a great deal to get up?—No, I think they have lost money.

3325. Why do they produce them?—Because they are obliged to produce what they hope and fancy will please the taste of the public, and they find that efforts are made in other theatres, and they dread the appearance of want of activity and liberality upon their own part, and they are often led on to the production of pieces against their inclination.

3326. What sort of piece is most profitable?—That which can be brought out with the least expense. In the present season, the Hunchback was the most profitable piece, and it cost less money in point of getting up.

3327. Therefore small theatres would have been able to afford to get up that piece?—I do not think the small theatres could have afforded to pay Mr. Knowles 400*l.* for it.

3328. Does it not seem to be that the decline of the theatres is much owing to the decline of domestic literature, for whenever a good new play is produced the profit is immense?—Not immense; but when a good new play is produced and is successful, there will be profit. The Hunchback has been a profitable play, but very many worse plays than that have brought a great deal more money.

3329. Is the decline of the theatres owing to so many dramatic plays not being written?—You cannot get them written.

3330. But I ask whether, in your opinion, the decline of the theatres does or does not arise from the decline of dramatic literature?—Partly, certainly; if they could bring out more pieces of acknowledged talent than they do, I presume the theatres would be better attended; but that does not argue there are more pieces of talent written.

Mr. G. Bartley.

2 July 1832.

3331. I was merely asking as to the fact?—As to the fact, if you could get two or three such plays as the *Hunchback* every year ; but I do not recollect any period of history when such a thing occurred.

3332. Are you not aware there are not so many good plays as there were in former times?—Certainly.

3333. You say you recollect no period of history when plays so good as the *Hunchback* were produced three or four at a time?—No, not since the time of the early dramatists.

3334. Are you aware that this *Hunchback*, which you so deservedly praise, was refused at one theatre, and that it could not be acted till it was taken from that theatre and subjected to another?—I do not believe that it was positively refused at either theatre.

3335. Was it not refused?—No ; I heard Mr. Knowles read a part of it before it was finished, and that was in the latter part of last spring, and he read in my presence at Mr. Kemble's house detached scenes only of the *Hunchback*, objecting to read any part of the minor plot of the drama. He merely read a few of the principal serious scenes, and he then asked Mr. Kemble to give him then and there 500 *l.* for the play as it stood. Mr. Kemble said it was impossible for the proprietors of Covent Garden to give him any such sum for an unfinished play ; that Mr. Knowles read the play exceedingly well, and before he implicated his brother proprietors, he wished to be allowed to read the play himself, and Mr. Knowles refused, put it in his pocket and left the house, and said, "You will hear no more of this." Then he went with it to Drury Lane (but it was not two years ago, for I am speaking now to what happened, as well as my memory serves me, 15 months ago). The play was completed, and taken to Drury Lane ; and all I know is, that Mr. Knowles returned to Covent Garden, and said he wished to act in it himself, and that it should be acted at Covent Garden. He said he found they were mad after opera at Drury Lane, and therefore, he said, he should take the play from them. I happened to be in the room at the time, and I said, "Are you still resolved to have 500 *l.* for it, for the treasury of Covent Garden is not in a situation to pay you 500 *l.* for a play that may not succeed?" He knew we all thought highly of it ; for after his reading it, I never saw him in the street or met him anywhere, but I asked him what had become of the *Hunchback* ?

3336. Was it refused solely upon account of his demanding 500 *l.* for it?—Yes, and it was not then finished, and he demanded that sum for an unfinished play ; that was at the latter end of last season, about 14 or 15 months ago. After that time it must have been finished, and he took it to Drury Lane, from whence he brought it in a little anger, and said to us, "When will you bring it out?" (Miss Fanny Kemble's play was then in rehearsal) and we said, "It shall be the next play acted, unless any indisposition on the part of the performers should render it impossible." With that he was very well satisfied.

3337. Is there any agreement with reference to the two theatres?—None has been *acted upon*, I believe, since I have been there. I only settled to be with Mr. Laporte after I left this committee-room last Monday. I have not seen him since that time, and I do not know what his arrangements are in any way.

3338. Do you mean to say these two great theatres have been losing concerns for the last few years?—Certainly ; Drury Lane must have lost an immense sum of money this season.

3339. Have the salaries of the actors been reasonably paid notwithstanding?—Yes, fully paid at both theatres.

3340. And could actors expect to get high salaries at the two great theatres if the drama were thrown open?—No ; I think our salaries have been for many years in a state of uncertainty, unless individuals should rent the theatres with large property, as in the case at Drury Lane at the present time.

3341. Do you consider that the small theatres ought to be more restricted to their licence?—Yes, I think so.

3342. Is there anything upon which we have not examined you, upon which you wish to say anything?—No, I do not know of anything particularly ; I think you have asked me all the points to which I wish to speak. I think I have already said that all the theatres ought to be under restrictions, and that they should be classed.

3343. When you say they should be under restrictions, you mean that they should be classified, and restricted to act a particular thing?—I think it would be the best plan, and most advantageous to all.

*Martis, 3<sup>o</sup> die Julii, 1832.*

EDWARD LYTTON BULWER, ESQ., IN THE CHAIR.

*George Rowland Minshull, Esq., called in ; and Examined.*

3344. YOU officiate as a magistrate at Bow-street?—I am a magistrate at Bow-street.

*G. R. Minshull,  
Esq.*

3345. Has it ever happened to you to be applied to on behalf of the proprietors of either of the two theatres of Covent Garden or Drury Lane, in order to enforce the law upon the performers or the managers of the minor theatres?—No, it has never happened to me individually, I was never the magistrate applied to ; it has happened, but not to me, nor have I been present when any examination of that sort has taken place.

3 July 1832.

3346. It happened to Mr. Halls, did it not?—I think it did.

3347. You probably have had conversation with Mr. Halls upon the subject?—Nothing that I can repeat, nothing important, certainly not so as to collect his opinions upon it, or even to complaints hardly.

3348. Are you aware of any reasons that were assigned by Mr. Halls for not complying with the request of the persons who applied to him upon the subject?—No, I cannot answer that with any certainty.

3349. Supposing that you had been applied to to enforce the penalties which the law inflicts upon all persons performing the drama at the minor theatres, what would have been the course of conduct you would have pursued?—I would have endeavoured to make myself perfectly master of the law upon the subject, and then I would have put that law into effect.

3350. What do you consider that law to be?—I have never directed my attention to it with so much precision as to give an opinion to this Committee upon it.

3351. Then you are not at this moment competent to give an opinion as to the law, or as to the course which you would take to enforce the law, if applied to?—No.

3352. It unfortunately happens that Mr. Halls is unwell ; to whom may the Committee apply to obtain that information?—He is unwell, but I think he will be well enough next week to appear here, if it should be the desire of the Committee.

3353. How long have you been magistrate at Bow-street?—I have been at the Police longer, but I have been at Bow-street 12 years.

3354. Are you not aware of the licensing law with regard to theatres?—Yes, I am aware of the general principle of it, but I am not prepared at all to speak with any certainty upon it. I should, as in any other subject, if my attention was called to it, make myself, as well as I could, master of the subject ; but I have never been called upon to put those laws into effect, and therefore I have never considered them. I know generally that it is thought unlawful for any one to perform the regular drama, or for any theatre to perform the regular drama, except at the two great licensed theatres.

3355. Under what authority do you conceive the theatres in Westminster perform?—It must be by virtue of their monopoly, if it may be called so, or by their licence from Government.

3356. Are you not aware, as a magistrate, that the theatres in Westminster are opened under the licence of the Lord Chamberlain?—Yes.

3357. Have you ever heard that there is a theatre opened for public entertainment within the city of Westminster not licensed by the Lord Chamberlain?—Yes.

3358. What theatre is that?—I very seldom myself go to theatres, I am rather too old ; but in the Strand there is one, I believe, that was Madame Vestris's theatre, which is in the Strand.

3359. You mean the Strand Theatre?—Yes ; I never was there, therefore I cannot answer that with any degree of certainty whatever.

3360. The Olympic is licensed, you are perhaps aware, under the licence of the Lord Chamberlain?—No, I was not aware of that.

3361. You are aware of an Act of Parliament passed in the reign of George the Second for the licensing of theatres, and that no theatre should be licensed but by the Lord Chamberlain, and, of course, the King, whom he represents?—Yes.

G. R. Minshull,  
Esq.

3 July 1832.

3362. You, being aware of that Act of Parliament, still say that you are aware of another theatre being opened in contravention of that Act of Parliament, and that is the Strand Theatre?—I am not aware whether they have obtained a licence from the Lord Chamberlain or not to perform in that theatre; I have never inquired into the fact.

3363. Did not you say that you thought there was a theatre opened which had not been licensed?—There is one opened, and I never inquired whether they had a legal authority or not; I did not consider it my duty to inquire into that, unless there was a complaint made to me against it. I should take it for granted that there was a licence or authority to do it, if no complaint was made.

3364. Supposing an information is laid before you in your magisterial capacity, that this theatre is acting without a licence, how should you act?—I should certainly give summonses to the parties to appear before me, and then I should make myself master of the law, and inquire into the facts.

3365. What evidence should you require?—I should require the evidence of those who had been to the theatre, and I should likewise ask the managers of that theatre under what authority they performed, and if they had a licence from the Lord Chamberlain, or from any other person, I should require them to produce that licence; and if they did not produce their licence, I should see whether the Act of Parliament required a licence, and if it did not, I should dismiss the case, and if it did, I should inflict the penalties according to law.

3366. In the event of the proprietors of that theatre not being able to produce the licence, you would have no hesitation in inflicting the penalty?—No, I should not, provided I thought I was authorized in doing so by the Act of Parliament.

3367. You would place the *onus probandi* on the informant with regard to the licence?—Yes; I should tell them that the regular course was to give notice to the manager of the theatre to produce any licence under which they were acting, and if they did not produce such licence, to give evidence that they have acted without any.

3368. The House of Commons has ordered the Lord Chamberlain to lay before it all the licences that he has granted within the city of Westminster, and amongst those licences the Strand Theatre is not included; should you not consider that sufficient evidence that that theatre was not legally licensed?—I should think that quite sufficient, provided they did not produce other evidence to prove that they were entitled in some other way to perform.

3369. Are you aware of a decision that Lord Tenterden gave six weeks ago, in the Court of King's Bench, relating to theatres?—I heard of it at the time, but I did not attend particularly to it.

3370. What description of evidence should you require from the parties who laid the information, to prove that plays were represented at that theatre without a licence?—I should expect the evidence of those who had been present at the place.

3371. Any spectator?—Yes, any spectator.

3372. Have you ever, in your capacity of magistrate, licensed any minor theatres?—No, they are licensed at the quarter sessions, and I very seldom attend the quarter sessions, being engaged at the office of Bow-street. I have never signed any that I recollect; I have heard them applied for.

3373. Are you of opinion, with regard to the theatres of the metropolis, that they increase or promote the crime of the metropolis?—I think whenever a great number of persons assemble together there will be pickpockets, there will be quarrels, and, more or less, there will be crime.

3374. Do many charges come before you from the theatres, in your office, as magistrate?—Not so many as might be expected; we have certainly complaints; pickpockets are taken there by officers appointed, but not so frequently as might be imagined.

3375. But do not you think that those persons who are at the theatre for an evening, if they are of bad character, might be worse employed than they are in the theatres?—Yes, if they go to see the performances, they could not be better employed, but if they go for the purpose of picking pockets, or of breaking the laws, they could not well be worse employed.

3376. Do the charges that come before you as a magistrate, from the theatres, proceed generally from the large theatres or from the minor theatres in Westminster?—From the large theatres the most frequent charges come before us, but we are very near the large theatres, the office is between the two, and there are more charges from the large theatres; we have had charges from the minor theatres, but

not



not so frequently; but there is a much greater concourse of people at the large theatres than at the minor theatres, and more opportunities of doing mischief.

3377. Supposing that a public-house were to be opened without a licence, should you not feel it your duty to close it?—We licence public-houses in our own division ourselves, and of course it would come within my knowledge if a public-house was opened, whether it was licensed or not, and if I should hear that any public-house was opened without licence, I should give directions for an information to be entered against it.

3378. Do not you conceive it equally your duty to put down unlicensed theatres, as to put down unlicensed public-houses?—No, I have never conceived it my duty to do so, unless a complaint was laid before me.

3379. You would require a complaint to be made in regard to theatres, but not with regard to public-houses?—Yes, I have stated the reason, because if a man had opened a public-house, for instance, next door to the office of Bow-street, I should know that he had not obtained his licence, and order an information to be laid against him; but if a theatre was to be opened in the street, or anywhere else, as I should not grant the licence or have had anything to do with it till I heard a complaint that it was not licensed, I should not take any notice of it whatever.

3380. Do not you think that the law as regards the licensing of theatres, is capable of amendment, whether as respects the magistrates' power out of Westminster, or the Lord Chamberlain's power within?—Yes.

3381. What amendments would you suggest?—Upon a subject of so much importance, I could not suggest anything very satisfactory, but I am very much in favour of letting all people get their livelihood in any way they best can, provided it should not be considered of any injury to the public; I am not sure, but I am of that opinion, in some degree, respecting public-houses.

3382. You are in favour of free trade?—I am in favour certainly of people getting their livelihood in the best way they can, provided they do it honestly.

3383. You think that the monopoly of the great theatres is a hardship at present upon the public?—I think that it is a hardship in some degree upon the public, and I likewise think that if it should be taken from them it would be a hardship to the great theatres, having expended large sums of money upon the assurance that they were to be protected; if it were to be taken from them without remuneration.

3384. You, as a magistrate, are prepared to protect them as far as you can?—We are prepared to put the laws into force, whatever those laws may be.

3385. You think if the legitimate drama was allowed to be played at all the smaller theatres, that all the larger ought to receive compensation?—That would be my private opinion, I do not speak so much as a magistrate.

3386. Do you think that the hours for opening and closing theatres ought to be altered with a view to the better order of the metropolis?—I do not know; I consider that theatres are more out of fashion than they used to be, from the alteration of the hours of dining, and many other circumstances: when I was a young man the theatres used to be a very pleasant amusement, but now a man must, in some degree, give up his dinner for it, or dine at a very unusual hour.

3387. Do not you think that the middle classes are the persons who would be inclined to support the theatres, and that they do not dine late?—Yes, certainly.

3388. Do not you think it might be an improvement if they closed earlier than they do at present?—It would be a great improvement to me individually, if I went there.

3389. If it would be an improvement to you, it would be necessarily to a large class of persons having necessary occupations, would it not?—A man of my age cannot speak so much for other people; most persons like a great deal for their money generally, and they are not satisfied unless they are worn out or fatigued.

3390. Supposing an information is laid before you as a magistrate, for a theatre having opened without a licence, and the defending party not being able to prove that they possessed a licence, should you deem it to be your duty to convict those parties and enforce the penalty?—Of course I should refer strictly to the law on the subject, and if I found that the law would bear me out, I should feel myself bound to convict upon the evidence I had received.

3391. You would not call upon the informer to prove the licence?—No, I should call upon him to give notice to the parties to produce their licence, and then I should, having done that, consider, unless they produced their licence or authority, that they had none, if they had had notice from the informer to produce it, and at the hearing before the magistrate did not produce it, and determine accordingly.



*Mr. John Poole*, called in; and Examined.

*Mr. J. Poole.*

3 July 1832.

3392. ARE you the author of some very successful pieces?—I am.

3393. What is the most successful piece that you have brought before the public?—I believe with respect to the attraction and the money it has produced to the theatres, that *Paul Pry* is.

3394. That still retains its hold upon the stage?—Yes.

3395. Is it acted also in the provinces?—A great deal, as far as I have understood.

3396. What is the remuneration that you have received for *Paul Pry*?—The total that I received from the Haymarket theatre was 400*l*.

3397. Do you conceive that if you had proportionate profits from every representation that *Paul Pry* has undergone in the different theatres, you would have received a larger sum than you do at present?—I have no hesitation in saying, in such case, I should have received as many thousands as I have hundreds.

3398. Have you considered the manner in which, supposing such a law was passed, the money would be obtained from the provincial theatres, because formerly, when this law was in contemplation, the gentlemen who did contemplate it were given to understand that there would be very great difficulty in obtaining from the managers of the country theatres the sum due to the author; do you conceive that that difficulty would exist?—No; I certainly think not with respect to the large ones.

3399. Do not you think if that law were to exist, there would be theatrical agents in all the towns who would be engaged in the business of collecting the sums due to the authors for them?—I have no doubt there would be.

3400. It would appear easy to collect the money and to transmit it to the author?—I think there would be no difficulty about that.

3401. Do not you think that it would be an advantage to the author to have more than two theatres where he can take his piece?—We have three theatres royal, besides the English Opera-house.

3402. Three theatres for the purchase of the copyright of a five-act comedy exist at present; do you think that there ought to be more?—There would be more opportunities of selling a five-act comedy; but I question whether a legitimate comedy would be of any use to the minor theatres.

3403. Supposing you were an unknown author, and you were to write a comedy, and it was to be refused at the large theatres, do not you consider that it would be an advantage to you at all events to have the opportunity of offering it to a small theatre, because supposing the large theatres could give you nothing for it, you would have an opportunity of having it performed, and be pretty sure of earning the profits from its success, if it were successful, by the various sums given you for it?—If the piece were unsuccessful in town, it would not be performed at all in the country.

3404. Supposing it were successful, and a small theatre could afford to purchase it, coming on the stage coupled with the law, the author would still be able to obtain a sufficient remuneration for his piece?—No, I do not think he would; and I do think it would do a great mischief to the drama; I would take it for granted that if a piece were rejected by both the theatres royal and the Haymarket, there could be no very considerable value in the piece.

3405. You think it would not be likely to be a valuable piece under such circumstances?—I think so.

3406. You do not think that there are any instances, then, in which it is likely that the large theatres would be wrong in their judgment?—One theatre might be wrong in its judgment, but I question whether they all three could, because they are conducted by experienced persons.

3407. Would there not be instances in which they would desire the author to wait for a year?—I cannot say that; besides, it might be as advantageous to the author to wait till the theatre had an opportunity to play his piece, as it would for the theatre that he should.

3408. Supposing he were a poor man, would it be an advantage to him to wait?—No, certainly not.

3409. Do you consider, in general, that dramatic authors are rich men or poor men?—I am not acquainted with any of 5,000*l*. a year; and I believe, upon the whole, that they cannot be considered rich men.

3410. If

3410. If the generality of them cannot be considered rich men, it must be obviously for the advantage of the generality of them not to wait the pleasure of the managers to whom they shall produce their pieces?—Yes, certainly.

3411. In what respects do you consider that it would be disadvantageous to authors to have a variety of theatres to which they can take their pieces?—I am persuaded that it would be of disadvantage to the drama.

3412. It would not be disadvantageous to the author?—No; it would not be disadvantageous to the author, because if he could not get anything for his bad piece at either of the three theatres, he might get something at one of the minor theatres; but I do not conceive that the drama would gain anything.

3413. If the piece was bad, would not the public disapprove of the piece?—Yes, I have no doubt they would.

3414. Then the piece would be damned?—The piece would be damned, and there would be an end of it; but I do not see what advantage the drama could possibly obtain by giving the chance to bad pieces.

3415. Do you think that literature in general derives no advantage from having a large number of booksellers to whom an author can take his performance, more than it would if there were only two publishers to whom he could take it?—I think so; but I cannot look upon that as a case in point.

3416. You do not think that there is any analogy between dramatic literature and other branches of literature?—No; in other branches of literature the bookseller is the judge in the first instance, and he may purchase a manuscript which has been refused by a first or second bookseller; he takes it at his own risk; and I question very much indeed whether a bookseller, with the knowledge that Mr. Murray and Mr. Colburn had rejected a manuscript, would be very desirous to have it.

3417. But you are aware that many works have been refused by two or three publishers, and have been afterwards published, and proved very valuable additions to the works of science in the country: Dr. Arnot's work, for instance?—Yes, certainly.

3418. But you think that the managers of theatres are more likely to be infallible than booksellers, or persons to whom the booksellers intrust their works to be read?—I do think that experienced managers have a pretty good feeling as to what is likely to please the town.

3419. But it might so happen that an author might not take his composition to either of the two large theatres, but he might write it solely for the small theatres?—Yes, he might, if the small theatres were in existence.

3420. And such a production might be a valuable addition to literature?—I do not know; but I think that an author, writing with any ambition at all, would go at once to the larger theatres.

3421. Do you think that he would do so if there were five or six theatres which were large enough to give effect to his piece?—That would alter the case.

3422. Do not you think that the Coburg theatre is large enough to give effect to any comedy?—I do not know it, I have not been in it for a great many years.

3423. The English Opera-house?—I should prefer one larger. I should prefer for a comedy somewhat between the size of the Haymarket and the great theatres.

3424. But you consider that the Haymarket would be large enough to give effect to Paul Pry?—Yes.

3425. Do you think it would be large enough to give effect to all your other pieces?—Yes, to all.

3426. Would you rather see your pieces performed in the Haymarket, or in one of the larger theatres?—To me it is matter of indifference. I have seen some of my plays acted at the Haymarket theatre with great effect, which I have originally produced at the larger theatres; and I have also seen plays which I have written for the Haymarket theatre acted upon the larger stages, without any diminution of effect.

3427. But you consider that the effect is pretty equal?—Yes, I do. I admit that there are places about Drury Lane and about Covent Garden theatres where you can neither see nor hear distinctly; but in the good places of those two theatres you can hear distinctly.

3428. In the centre parts of the boxes?—I have never found any inconvenience in that part myself.

3429. Do you think that the people receive your pieces with as much pleasure in the large theatres as in the Haymarket?—I do not think there is any material difference.

Mr. J. Poole.

3 July 1832.

3430. Do they hear so well?—I should perhaps prefer the Haymarket rather than Covent Garden for any of my pieces.

3431. Have you written any of your pieces for any actor?—Generally speaking, we write for a company; we expect that we shall have available tools to work with when we come before the public.

3432. And have you also written for particular actors?—I have in one or two instances.

3433. Have you ever suffered from that actor not performing that particular piece for whom you had written the piece?—Yes, I have.

3434. Since you consider that it is common for a dramatic author to consult a particular company, might he not consult a particular company if he was in a small theatre, and produce an effect which he would not be able to produce at another theatre?—When I say that he would consult the company, I am speaking of a good company, and not an indifferent or a bad one: an author of good standing would not consult such a company as that.

3435. Your compositions are principally comic?—Yes.

3436. Do you consider that there is a strong force of comic actors at present in the country?—Yes, I think there are sufficient, if they were not distributed about the country so much as they are. I think, if they were all in one theatre, we should have more than enough.

3437. Do you consider that there are any celebrated comic actors besides the following; Mr. Charles Kemble, Mr. Liston, Mr. Dowton, and Mr. Farren?—Yes, I do.

3438. Name any others that you know of?—I must not name Mr. Bartley, because I believe he is present.

3439. Does he act now?—Mr. Bartley acts. Mr. Keeley is a clever actor, and there are several of great importance; there are none of the eminence certainly of those four persons mentioned.

3440. Is Mr. Reeve a very clever actor?—I believe he is a very clever actor.

3441. Of those four that have been mentioned, has Mr. Kemble any engagement on the stage, or is he leaving the country?—I have understood that he is going to America.

3442. Has Mr. Dowton any engagement on the stage?—Not in the large theatres, I think.

3443. So that of the four, only Mr. Liston and Mr. Farren remain?—Mr. Liston does not remain at the large theatres, he acts at a small theatre.

3444. Only two, then, of those four remain in the theatres, Mr. Liston and Mr. Farren?—Yes, of those that have been named.

3445. Does Mr. Liston prefer to act in a small theatre, or is it because he cannot have an equally advantageous engagement at a large one?—I really cannot speak as to Mr. Liston's motives, but I conceive that he goes to a small theatre because he receives a larger remuneration.

3446. Then it is to his interest to act in a smaller theatre?—If Mr. Liston has gone to a small theatre because he can get a larger remuneration there, it is to his interest; but I say so merely in a pecuniary point of view.

3447. Do you know for what species of entertainment the Olympic is licensed?—I have understood for the performance of burletta.

3448. What is burletta?—It is a difficult thing to define; but the common understanding of burletta, is a short piece with songs and dances.

3449. Do you consider that burletta is altogether a satisfactory term, that it is one which cannot be easily misinterpreted or evaded?—It is a term that is very often evaded, but according to the common understanding, I believe, it cannot be misinterpreted; there are pieces which are perfectly well known and understood to be burletta; *Midas* is burletta.

3450. Do you consider that it is possible to give any definition of the regular drama which shall be exactly binding in law?—No, except by negative. I could tell you what the regular drama is not; but it would be very difficult to define it positively.

3451. Did you ever see it defined?—I never did.

3452. It would be very difficult to give that definition to the regular drama which should be legally binding?—No, it would not be difficult if you were to take up the point now to say what should be legitimate drama, but it is a hard thing to say what is legitimate drama at present.

3453. How

3453. How would you define it?—I would say that comedy and tragedy without any musical accompaniment would be regular drama.

3454. Then the sole distinction that you would make would be that of music; if there was music in your comedy, it would cease to be regular drama?—If music is introduced, as it is introduced into melo-drama, I think it would; but it is hard to fix a satisfactory definition at a moment's notice.

3455. A comedy interspersed with songs, do you consider that legitimate drama?—I think that if nature were not outraged in any way whatever in the piece, that would be legitimate drama.

3456. Who should say whether nature was outraged?—That would become a matter of taste, as it must be; I do not consider the *Lions of Mysore* and pieces of that description as legitimate drama.

3457. It would not depend altogether upon the number of acts?—By no means; I think you might have as good comedy in one act as in five.

Mr. Richard B. Peake, called in; and Examined.

3458. YOU are the author of several pieces?—Of many.

3459. What has been your most successful piece?—The piece entitled *Before Breakfast*, performed at the English Opera-house.

3460. Does that retain its hold upon the stage?—It was written for one performer, Mr. Mathews, who has not been in the company since.

3461. Is that a common thing among dramatic writers to write their pieces for one performer?—It occurred with so peculiar a talent as that of Mr. Mathews, when he has been engaged in the theatre.

3462. How many nights has that been acted in the theatre?—It was played 30 nights in the first season.

3463. How many pieces have you written altogether?—I think I have written 40.

3464. Do you consider that you have been fairly remunerated for the time and trouble you have bestowed upon those pieces?—Upon the average, I may say yes, that I am.

3465. Do you consider that it would be an advantage to actors and dramatic authors to institute a law similar to that which prevails in France with respect to the minor theatres?—I think it would.

3466. Do you consider that it would be advantageous for authors to have more theatres than Covent Garden, Drury Lane and the Haymarket, to take their pieces to?—I should conceive it would.

3467. What do you consider would be the effect upon the drama generally if more theatres were allowed where the legitimate drama could be performed?—I have a difficulty in answering the question.

3468. Do you think it would be likely to degrade the drama?—No; I think not.

3469. You think, at all events, it would be beneficial to authors?—Yes; I should think the larger the field the better it would be for the author.

3470. Do you think that any piece that is rejected by the managers of the two great theatres is likely to be a bad piece, and unfit for the stage?—I have never had a piece rejected, and therefore I cannot say.

3471. Would not that depend upon the reasons given for its rejection?—I should conceive it would.

3472. The terms which the author might require would also be a cause of its rejection, would they not?—There are generally understood terms for a certain species of production.

3473. Do not they vary very much?—I have not found them so.

3474. What is the last successful piece that you have written?—The *Evil Eye*.

3475. Where is that performed?—At the English Opera-house, Mr. Arnold's theatre.

3476. It is now coming out, is it not?—It was performed last night.

3477. Have you written much of the regular drama?—No, I have made but one attempt.

3478. Was it unsuccessful?—It was successful.

3479. Why have you not attempted the regular drama more?—From the great difficulty.

3480. What is the difficulty that you refer to?—I think the making a five act comedy a very difficult achievement.

3481. You mean as regards yourself as an author?—Yes.

679.

B B

3482. You

Mr. J. Poole.

3 July 1832.

Mr. R. B. Peake.



Mr. R. B. Peake.

3 July 1832.

3482. You do not find it is very difficult as far as actors are concerned?—No.
3483. Do you mean that the difficulty arises from your writing it, or from your getting it on the stage?—I think from my writing it.
3484. Had you ever any difficulty in getting good playing upon the stage?—I have never noticed it.
3485. You have never attempted tragedy?—Never.
3486. Have you conceived that there are any means by which dramatic authors may be better remunerated without being heavier burdens upon the theatres?—No, I have not.
3487. You have never considered the question of giving them a better copyright for their writings?—I have often considered that it would be a beneficial thing for authors if it could be so arranged, but as to the means, I could not devise them.
3488. You know what property an author has in his copyright for publication of a novel or any other book that he publishes?—Fourteen years, and remedy by action for any innovation.
3489. Do you conceive that giving dramatic writers the same right as that would be an advantage to them?—I think that it would be a great advantage.

Mr. William Henry Settle, called in ; and Examined.

Mr. W. H. Settle.

3490. WHAT are you?—I am common law clerk, or second clerk in the office of Messrs. Lowdham, Parke and Freeth.
3491. Were you employed by the patent theatres to lay an information at Bow-street against one of the minor theatres?—We were the solicitors.
3492. Against what theatre?—Against the Tottenham-street theatre.
3493. What was the complaint against the Tottenham-street theatre?—For playing without letters patent or licence from the Lord Chamberlain.
3494. When you laid this information at Bow-street, did the magistrates give you any assistance?—Quite the reverse ; they evidently acted with a vast deal of partiality towards the defendants.
3495. Did the magistrates seem to have given much attention to the law with regard to theatres?—With great deference to those gentlemen, I do not think they understood the law with reference to theatres.
3496. Who were the magistrates?—Mr. Halls and Sir Richard Birnie.
3497. What evidence did you bring?—Actors belonging to the company of the defendant.
3498. Was their evidence received?—No, they refused to give evidence, having acted in some pieces against which the informations were laid.
3499. How did you proceed then?—We were advised by Mr. Adolphus, as the case was so difficult, to summon a great many of the actors, under the supposition that from some of them, even from one, we should get the fact, that they had played for hire, gain and reward, and without licence or letters patent, and also that Mr. Chapman, the defendant, was manager, in conjunction with Mr. Lee.
3500. You say that the magistrates acted with partiality ; what indication did they give of partiality towards the minor theatres?—I need not of course state here that it was considered a very unpopular measure on the part of the informer in bringing forward such an information, and there was a great noise and clamour in the office upon the least excitation of the people, and the magistrate smiled and took part with the people, and did not keep up the solemnity of the court, as he ought to have done.
- 3500\*. How do you mean that he took part with the people?—He laughed at the evidence that we produced.
3501. You considered yourself unfairly treated?—Yes.
3502. What was the piece that was acted?—Various pieces ; there were various counts in the information ; one of the pieces was, *How to Rule a Wife*, and *Guy Mannering*.
3503. You say that your proceeding was unpopular?—Treated so very much.
3504. Do you mean that it was unpopular generally, or unpopular in the court?—Amongst the auditors ; the office was very crowded.
3505. What sort of audience had you?—It consisted generally of performers, and a great many belonging to the minor theatres.
3506. And your case was dismissed by the magistrate?—The case was dismissed, against the law.

3507. What



Mr. W. H. Settle.

3 July 1832.

3507. What evidence did you give?—I got some of the performers from the company; I called them, as it is impossible to get willing witnesses on these occasions, and they were informed by the magistrate that they had no business to give information without they liked, as they would subject themselves to penalties by so doing.

3508. Was not the magistrate right in that?—Probably he was.

3509. Did they give evidence?—Some sort of evidence, that was of no avail.

3510. What evidence did you give of their having acted for hire, gain or reward?—By payment of the money at the door.

3511. Did you prove that?—Yes.

3512. By somebody that went on purpose?—Yes, one of our own witnesses.

3513. Against whom was the information laid?—There were various informations; the one that we proceeded upon was against Chapman, the manager, for acting and causing to be acted.

3514. What followed; did you proceed generally as having acted and causing to be acted?—We tried to prove that he caused to be acted, by giving directions to the printer of the bills, and we called the printer to know from whom he received instructions, and who paid him; but he could give no evidence, he did not know who gave him the instructions that night.

3515. Did not the magistrates tell him that he ought to give evidence?—No, they did not say anything to him; we tried to fix Mr. Chapman as having employed him, but he said he could not tell on that particular night. The magistrates held that we must fix it for one night; we thought that a general employ for the whole week or month would fix him, because we selected a week in which they played in Lent, when other theatres were shut, in violation of the custom.

3516. Was that all the proof which you gave?—No, we called some of the actors to endeavour to prove that Mr. Chapman was manager, but they could not tell.

3517. None of them could tell?—No. A man named Brown, who played on a particular night, was examined; he was asked whether he played, and he said he should not answer.

3518. Did the magistrates give any reason for their dismissing the complaint?—Yes, they did; they stated, that having alleged in the information that they played without letters patent or licence from the Lord Chamberlain, the *onus* lay upon the informer to prove the fact; and although a similar case had been decided by Lord Kenyon that it was not necessary, he dismissed it: we tried it before Lord Tenterden afterwards, who decided it the other way.

3519. Did you not hear Mr. Minshall's evidence?—Yes.

3520. He put a very different construction upon the Act of Parliament?—Yes, but he confessed, at the same time, that he did not know the law upon the subject.

3521. But he said that he would convict upon the evidence of a spectator?—But I doubt whether he would, if he came to consider it; if you prove that a man is manager, you could only do that by persons employed in the internal part of the house.

3522. Do you think he would exceed his duty if he did convict upon spectators' evidence?—I think if he came to read that Act, the 10th, he would not convict.

3523. But Mr. Minshall said, it would not be necessary for the plaintiff to prove the non-existence of the licence?—He said upon notice, he thought not.

3524. He said he should require the proprietor of the larger theatre to give notice?—We had given notice to the manager to produce his licence, and also letters patent.

3525. Did Mr. Halls call upon the manager to produce his licence?—No, he said that the *onus* lay upon us.

3526. Do you conceive that the *onus* lay upon you?—No, because I was aware of a case decided by Lord Kenyon on the Game Laws, that was a case in point; it was a case that was tried before Lord Kenyon; it was an information under the Game Laws for sporting without a licence; of necessity, the information must allege, according to the words of the Act, that he did sport without a licence. The defendant's counsel objected, that no proof having been given by the plaintiff that he had no licence, he must nonsuit. But Lord Kenyon held, that the proof lay upon the defendant; that the proof that he had a licence lay upon him; and that was our law.

3527. But did you not carry that evidence to the Court of King's Bench?—Yes.

3528. Did not the Lord Chief Justice consider that sufficient to convict?—Most certainly. Mr. Campbell, our counsel, said, that he should give no evidence of the

Mr. W. H. Settle.

3 July 1832.

patent or of the licence. Lord Tenterden stated that it was not necessary to prove it.

3529. Then Lord Tenterden convicted upon that evidence which the magistrates refused?—Yes.

3530. You consider it was necessary to prove the management in order to bring home the penalty?—Yes, for causing to be acted.

3531. And that you failed to do when before the magistrates?—Yes, the witnesses would not speak, and the magistrates protected them.

3532. Did Mr. Adolphus, your counsel, put that case that was argued before Lord Kenyon before the magistrates, and argue upon it?—No, he brought another case; a similar case as to the owner of a smuggling vessel.

3533. Do you consider that you had any remedy against the magistrates for deciding against you contrary to law?—I was aware that there were remedies; but we thought it better to try the case, and show the parties that we could succeed.

3534. It would have been a cheaper plan to take your remedy against the magistrates, would it not?—I doubt that.

3535. What remedy had you against the magistrates?—We could have gone to the Court of King's Bench and have obtained a criminal information against them.

3536. In a criminal information, is it not necessary to prove that a magistrate has acted corruptly?—Yes, it is.

3537. Do you consider that you have a power under the Act of Geo. 2, to prosecute any actor that you see acting in an unlicensed theatre?—I have ascertained since I have been in this room, that it is so; but I knew a case of Mr. Thomas having taken some people up for acting without a licence, and the magistrates refused to hear it without an information was laid; but I understand that has been overruled; they took money at the doors.

3538. What was the cost of this proceeding against the theatres?—Very heavy indeed.

3539. Can you state to the Committee how much?—Yes, I should say about 700*l.* or 800*l.*

3540. Do you know what they recovered from the defendant?—Not a shilling; it was merely to ascertain the rights more than to get any penalties.

3541. Do you mean to say that they would not have obtained the penalties if they could?—No, I do not think they would; I had never any instructions to enforce them.

3542. Was Mr. Chapman put to any considerable expense?—No, very trifling.

3543. They were not sufficient to ruin him?—They were not more than 30*l.* or 40*l.*

3544. Did Mr. Chapman take the benefit of the Insolvent Act?—Not in consequence of that proceeding.

3545. If the patent theatres had proceeded to recover the penalties, could they have reimbursed themselves their expenses?—Certainly not.

3546. Did you put down the theatre?—No.

3547. Or obtain any good by the verdict you obtained?—No, I think not.

3548. Might not you have reimbursed yourselves by the goods of the theatre?—They did not belong to him; he rented the house for 700*l.* a year; he had no property; he did not even pay the taxes.

3549. That had no effect upon the other theatres?—None at all; I should rather say it encouraged them.

3550. Then the present state of the law is unsatisfactory?—The difficulties of getting verdicts under that Act are almost insurmountable.

3551. Arising from the fault of the law itself, or from those who administer the law?—Not so, for I think the law is very clear, but from want of evidence; we cannot get evidence from any but their own company, and of course they do not like to give evidence against their masters, and it is an impossibility to get them to do so.

3552. Do not you think that the best mode would be to proceed against one of the performers rather than against the manager?—I do not know: the same proof is necessary if any party plays or causes to be played, or acts a part; the same evidence is required.

3553. Have you served any notices upon the minor theatres that proceedings will be taken against them if they perform the regular drama?—There were notices given some time past.

3554. To what minors?—To all the minors except Sadler's Wells.

3555. Would proceedings against those be of the same nature as that which you have undertaken?—It was not acted upon, it was merely to warn them that they were infringing the law.

3556. Have you taken any other proceedings, excepting that which you have detailed?—No, neither information nor action.

3557. Did the magistrates in the course of this proceeding suggest any opinion as to the propriety of proceeding in this way?—I cannot say that they made any particular observation, but they seemed to treat it with a very great degree of contempt.

3558. The taking money at the door used to be constantly evaded, used it not?—Yes, it is now, I think, frequently.

3559. Is there any way that you can suggest in which the difficulty of procuring evidence would be lessened?—None. As one proof of the difficulty I had, I called on a very respectable gentleman belonging to the company to prove the handwriting of Mr. Chapman on the affidavit signed in Chancery, and he would not swear it was his handwriting, because it was signed in full; he had seen him sign before, but it was his initials. Every difficulty was thrown in our way.

3560. If we were to make the law still tighter, it would not be any easier for yourselves?—Yes; I think it might be. I should say that you might not require so much evidence; that the receipt of money at the door, and the proof that the man rented the house, ought to be sufficient, and that it was a theatre ought to be sufficient.

3561. Did they pay the taxes?—No, they did not pay the taxes; they evaded it in this way: they took the house at a gross rent, which evaded the taxes.

3562. Would you make the house liable?—Yes, the landlord, if it were let with a view of conducting theatrical business in it.

Mr. John Ogden, called in; and Examined.

3563. HAVE you paid considerable attention to the subject of the drama generally?—I have been an occasional visitor of the theatre for many years; and I have had a practical experience, as an auditor, of most of the houses, both major and minor, in town.

3564. Have you any suggestions to make to the Committee respecting them?—I beg to observe that I have not obtruded myself upon the Committee. I have been required to attend in consequence of some persons who are concerned in this question knowing that I am in the habit of expressing opinions on theatrical matters, and thinking, as a member of the public generally (not having any interest in any theatre either as actor or author), I might give an independent statement.

3565. What suggestions have you to make upon the subject?—I should say, as one of the public, that I should be glad to see the regular drama rescued from the blighting effects of the monopoly at present claimed and partially possessed by the patent theatres. I have, however, no private predilection for the minor theatres or hostile feeling towards the major: there are material points in the management of them all which I should certainly wish to see altered. I am therefore perfectly prepared to give an unbiassed opinion.

3566. Your opinion simply goes to this, that as one of the public, you are averse to the monopoly?—Yes.

3567. What monopoly?—The monopoly of representing the regular drama, which is understood to exist in Covent Garden, Drury Lane and the Haymarket theatres. I certainly think that monopoly very objectionable, both in principle and action.

3568. Does it exist?—I do not say that it practically exists to the fullest extent; but it exists to so great a degree, that I consider it prevents the development of much talent both in actors and authors.

3569. You would concur in giving the minor theatres the power of acting the regular drama?—Yes; but I would not confine that power exclusively to them and the majors. If this were merely a question between the existing larger theatres and the existing minors, I should feel comparatively little interested in the matter. My object would be to make the regular drama entirely open. I think that if talent had a free course in regard to the theatres, the state of dramatic literature would be much better than it is at present. When I consider the great anonymous and other talent that is exhibited even in periodical literature, I cannot but think that

Mr. W. H. Settle.

3 July 1832.

Mr. J. Ogden.

Mr. J. Ogden.

3 July 1832.

much of that diversified ability might be convertible to dramatic purposes ; and that there would be many eminent authors who would write for the drama, under more favourable circumstances, who now do not.

3570. Is there not a much larger remuneration?—There may be at present, but I conceive that that would not be the case if the regular drama were free to all the theatres.

3571. Have you signed any petition on this subject?—I have not.

3572. If the monopoly was done away with, do you conceive that the great theatres would be entitled to compensation for the loss that they might sustain?—I should beg to state that I consider that entirely a law question. Perhaps the executive Government could not be expected to mix itself up decidedly with this affair ; but if the Government would leave it to the attorney and solicitor-generals to determine whether the patents are valid under all the circumstances of the case, we should have some sure ground to proceed upon as to the question of compensation. If those officers should certify that the patents of the great theatres are valid, or that at any rate the proprietors are entitled to be paid for their interest in them, the question would next come, what they are worth ; which again would greatly depend on the profits, if any, they have made in any given reasonable number of years, of late date. If the patentees have not enforced the law upon minor theatres, I do not feel that the public are bound particularly to sympathize with them for any injury they may have sustained from those establishments. The law has been open to them ; if they have not chosen to enforce that law I do not conceive that the public, at any rate, can be rightly called upon to make them compensation for their injuries, real or supposed. But if it be admitted that they are entitled to compensation, it certainly then becomes a question how they are to be compensated ; and I conceive that might be done by enabling the minor theatres now existing, or that may exist for a certain number of years, to pay the majors a certain sum each, (proportioned to the size of the house in each case,) for liberty to perform the regular drama. I would not of course oblige any minor theatre to play the regular drama unless it thought fit to do so. This would be one mode of giving compensation ; but I do not say it would be the only or the best way.

3573. Will you state, as shortly as possible, what you conceive to be the grievances of the public under the present circumstances?—I consider that the opinion that the taste of the public for dramatic amusement has much abated is founded on erroneous notions. Very many persons who do not usually visit the theatres have been rather driven from them than given them up.

3574. What is the grievance of which the public complain ; and what remedy do you suggest for this grievance?—I think the public complain that there is not an opportunity of enjoying the regular drama at so many places or so advantageously as they have a right to expect. I conceive that the general opinion of the public is that the monopoly ought to be done away, by throwing the trade or profession entirely open, subject only to police regulations.

3575. Then you would allow any number of theatres to be established that the different speculators might choose to engage in?—Certainly. I think in that case gentlemen who felt that they had some ability and information on the subject, who had studied it well, and who ought, I consider, to be equally men of literature and men of business, (such as some of our best managers have been,) would then come forward to establish and to manage theatres. Now that the regular drama is a monopoly, management sometimes goes from father to son, or from uncle to nephew, and so on : by such and other inappropriate means men are secured in the management of theatres who are utterly incompetent for the business ; they manage it badly, and then throw the blame of their failure upon the supposed decline of the public taste. If there were open competition, these evils, as regards the public, would correct themselves.

3576. You do not think, in short, that the actors who have appeared in the great theatres possess the talent capable to attract the public?—I think that the same effect would follow as to acting talent as to play-writing talent : more of it would be developed, and our actors generally would acquire a purer style, if the regular drama were free and our theatres well managed : at present, I can say that they are comparatively deserted by many, from their being often too full and excessively incommodious. I have sometimes paid my money, at both major and minor theatres, on the assurance that there was room, after the houses were crammed full, and have been scarcely able to catch a casual glimpse of the stage. People of course go to such places with a wish to be amused, but they not unfrequently get ill-used



ill-used and disgusted at the treatment they receive; and that is one material reason, I believe, why the theatres are deserted by many who would wish to be frequent visitors.

3577. You have communicated your feelings and opinions with respect to theatres; have you reason to think that this is the feeling of a good many persons?—I have.

3578. Do you think those grounds are grounds of grievance entertained by a great body of the play-going population of this city?—I do.

3579. You think, the more theatres there are in which the drama could be acted, the better chance there will be for dramatic authors?—Certainly. And I have no doubt, that under such circumstances as I have mentioned, one theatre at least might be maintained entirely of a classic description; and that in three years, at such a theatre, Milton's *Comus* would become a stock-piece; acted not in the imperfect and interpolated style in which we have seen it given, but in all its native loveliness, as Milton wrote it.

3580. You do not think that taking all patent theatres, and all legal and illegal theatres, there are enough theatres at present in London?—There are, perhaps, (though I much doubt it,) a sufficient number of theatres; but I do not think that they are managed at present judiciously, considering the increased refinement of the public taste, or as well as they certainly would be if the drama were entirely free, subject only to a few well-weighed regulations for the preservation of peace and order.

3581. Should you recommend any alteration in that respect?—Whenever a new theatre was opened, I would propose that the managers should register it, with the security of two housekeepers, or other substantial persons, in a specified moderate sum, to make the establishment amenable to police regulations; and the principal of those police regulations should be, I think, that they should not be allowed to admit above a certain number in each part of the house, proportioned to its size, as specified by a surveyor.

3582. You think that if the drama was thrown quite open, more people would be induced to come forward as managers than at present?—I think it would then become a matter of ambition; I consider that many gentlemen who now would not like to enter into dramatic speculations, would have no objection to do so if they were empowered to produce classical pieces of Shakspeare, and other great or good writers, living or dead.

3583. Do you mean to say that you would rather see *Richard the Third* performed at the Adelphi than at Covent Garden?—It is to be understood that we do not merely speak of persons who are upon one of the first rows of the pit, but of people generally in the theatre.

3584. You would rather see any representation at the Adelphi than at one of the two great theatres?—A regular drama I certainly would, supposing myself to be placed, in each case, at the farthest possible point from the stage.

*Martis, 10<sup>o</sup> die Julii, 1832.*

EDWARD LYTTON BULWER, ESQ., IN THE CHAIR.

*Thomas Halls, Esq., called in; and Examined.*

3585. I BELIEVE you are a magistrate at Bow-street?—Yes.

3586. Were you ever applied to on behalf of the proprietors of either of the two great theatres to prevent the performance of the drama at the minor theatres?—Not on behalf of the proprietors of those theatres, but on behalf of a person named John Parsons. Some time since he laid an information before me against the Tottenham-street theatre, a theatre which existed under that name on the 14th June 1830.

3587. That was for performing the drama?—Yes.

3588. What was your conduct upon that occasion?—The information was received, and a day appointed for hearing the information before myself and the late Sir Richard Birnie, and it came on to be heard on a subsequent day, which I have not got down: it was in the same month, I think 24th June.



Thomas Halls, Esq.

10 July 1832.

3589. Before you?—Before me and Sir Richard Birnie.

3590. What was the result?—The case was dismissed for want of sufficient evidence.

3591. Sufficient evidence to prove what?—Sufficient evidence to prove that the parties were not duly licensed.

3592. What evidence was required?—An examination on oath of the books of the Lord Chamberlain; and if the books themselves were produceable, the books themselves were required to be produced, which they were not.

3593. What do you mean by the books of the Lord Chamberlain?—I presume he keeps books; or any documents he had to show the parties were not licensed. We did not confine ourselves to the books.

3594. The Lord Chamberlain has no authority to license a theatre out of the city of Westminster?—I believe not.

3595. So that it could not appear in the Lord Chamberlain's books, as his power only extends to the city of Westminster and to places which are Royal residences?—I believe a patent is an authority likewise which might exist out of Westminster.

3596. But the Tottenham-street theatre being out of the city and liberties of Westminster, the Lord Chamberlain could exercise no jurisdiction in granting a licence to that theatre?—No.

3597. Then nothing could appear upon the Lord Chamberlain's books on that subject?—No, but from the Patent-office. I have named the Lord Chamberlain's office in mistake; I should have said the Patent-office.

3598. Did you consider it necessary at Bow-street, a complaint being made against parties for a violation of the statute in acting the regular drama, that the parties making that complaint should prove the defendants had not a licence?—Yes.

3599. Would it not have been more in the regular course to require the parties so complained against to show the authority under which they acted?—No, for this reason: being duly licensed is made a substantive part of the offence in the clause in the Act of the 10 Geo. 2, which creates the offence. If it had been by way of proviso in a subsequent clause the parties would have been bound, I conceive, to prove they were licensed, but it being a substantive part of the offence by the clause creating the offence, the parties laying the information were bound to prove every circumstance which was attachable to the offence itself.

3600. Is it usual to call in parties to prove a negative?—No, unless it is a substantive part of the offence; in that case it is. If a negative constitutes the gist of the offence, the accusers are called upon to prove it.

3601. In the case of an information under the game laws, where it states the person against whom the information is laid is not possessed of a sufficient estate to qualify him, have not the Court of King's Bench determined that the onus of proving he has an estate lies upon the person who is accused?—It depends upon the construction of the Act of Parliament. If that is in a subsequent clause to that creating the offence, I can easily understand why it is so.

3602. Did not the case of Mr. Chapman, of the Tottenham-street theatre, come before the Court of King's Bench afterwards?—Yes, it did.

3603. Did Lord Tenterden entertain the same opinion with respect to the evidence that was required?—I do not know what proof Lord Tenterden had before him that the theatre was not duly licensed. Of course I presume he had sufficient proof.

3604. You did not think it worth while to inquire whether Lord Tenterden's opinion coincided with yours?—I do not know that it did not.

3605. You did not think it worth your while to inquire whether it did or not?—I did not know that the point was raised.

3606. Did you inquire whether it was or not?—I inquired, and I believe it was satisfactorily proved they had no sufficient licence. Surely the case itself proves that without inquiry.

3607. Do you mean to say, you understood there was proof adduced before Lord Tenterden that no licence had been issued either from the Patent-office or any other place?—I presume so; I do not know the fact.

3608. If the case were to come before you again, should you decide in the same way?—Precisely.

3609. Do you mean in Lord Tenterden's way, or your own way?—My own way.

3610. You would dismiss the case?—Yes, if there was not sufficient evidence.

3611. Do

3611. Do you not know that opinion of yours was overruled by Lord Tenterden? *Thomas Halls, Esq.*  
—No, I do not.

3612. If you were aware that Lord Tenterden's opinion differed from yours, how should you decide in future? Should you call upon the informer to prove they had no licence, or upon the defendants to prove they had a licence?—I take for granted that the statement of Lord Tenterden's opinion is correct, but my conception of the law is otherwise.

10 July 1832.

3613. You think the informer must prove the non-existence of the licence?—In this particular instance I do, as it is a substantive part of the offence.

3614. Are you aware that in Westminster, within your jurisdiction, there is a theatre acting without any licence?—No doubt about it.

3615. You know there is one?—Yes; I think there are three.

3616. Which are they?—I think the Olympic is in Westminster; I do not know whether it is actually open at this moment.

3617. That is licensed by the Lord Chamberlain; are there any acting without any licence or any authority from the Lord Chamberlain, the magistrates, or any one else?—There is a theatre in the Strand, called the Strand theatre, which I believe is so circumstanced.

3618. Then, being aware of that, is it not your duty to prevent that infraction of the law?—I know of no authority that I have to interfere without an information laid before me on oath.

3619. What description of information should you require in order to close that theatre?—I do not know that I have any power to close a theatre at all.

3620. You say you would not interfere without an information; what description of information should you require?—An information on oath setting forth the offence, conformable to the statute, and applying for any penalty that might be inflicted for it.

3621. What sort of evidence should you consider sufficient with respect to the performance; should you consider the evidence of a spectator sufficient?—Any person who could prove dramatic performances were carried on at a particular day, or at a particular time, in that theatre, contrary to the form of the statute, would be sufficient evidence to constitute that part of the offence.

3622. And you would then convict and inflict the penalty?—If the proof was satisfactory; and that would be the question for the consideration of the magistrates. If the question is put to myself, I beg to state I have some doubt whether magistrates, as such, have any such power as the law at present stands.

3623. Do you mean under the 10 Geo. 2?—Yes; I have my doubts on the subject; but at the same time I should wish the Committee to understand that it is merely my own individual doubt; but it has been matter of conversation amongst magistrates, and I have strong doubts, from a review of all the statutes that touch theatrical performances, whether the magistrates have that power. I am quite aware the courts at Westminster have the power.

3624. Will you state shortly upon what ground those doubts rests?—Upon the alteration that has been made by the late Vagrant Acts, which repeal all other Acts relating to vagrants, and do not in any respect touch theatrical performances. I beg the Committee will understand that the case in question went off on a matter of evidence; not either upon the merits of the case or the laws of the case, but upon a point of evidence.

3625. Did Sir Richard Birnie agree with you in your opinion as to the necessity of negating the existence of the licence?—Yes.

3626. Fully?—Yes.

3627. When the patent theatres came before you to make their complaints, do you think they received a fair and impartial hearing?—I gave my mind, as far as I am individually concerned, most attentively to the subject; and I trust that every thing I undertake, I undertake upon fair principles.

3628. There is a complaint against the magistrates at Bow-street, that they did not receive a fair and impartial hearing?—I have no information upon that subject. If there is any point in which you can see partiality to have existed, I shall be happy to explain it.

3629. What proof do you consider as sufficient to show they are acting for hire, gain or reward?—There may be a variety of proof upon that point, but the direct proof is the taking of money.

3630. Suppose an information to be laid against an actor for having performed upon an unlicensed stage, would you consider it sufficient proof of his having

*Thomas Halls, Esq.* played for hire, gain or reward, that money was taken at the doors?—Certainly.

10 July 1832.

3631. Have any cases come before you, since that doubt has arisen in your mind, with regard to the Vagrant Act?—No; that is the only case of the kind that, I believe, has been laid at Bow-street for a long course of years.

3632. The last Vagrant Act had passed before that time?—Yes.

3633. Do you consider the sale of tickets at shops in the neighbourhood, and the payment of money for them, if you could bring that home to the manager, sufficient evidence against the actor that he had performed for hire, gain or reward?—That is a point which, I conceive, has not been decided; but I should have no doubt in any respect in treating it as such if I was persuaded it was for the purpose of evading the law. I look upon an evasion of the law to be precisely the same as the commission of the offence, if it is direct, but it might be very difficult to prove.

3634. Should you attach more importance to a charge coming before you from the Lord Chamberlain's office, than from the patent theatres, against a minor theatre for playing contrary to law?—I take it an information is a matter of common right.

3635. You never refused to convict for the patent theatres, at the same time admitting you would do it for the Lord Chamberlain?—I had never any information from the patent theatres directly before me.

3636. Would the sale of tickets at shops in the neighbourhood, and the consequent admission by these tickets into the theatre, be evidence that it was open for hire, gain or reward?—It would depend upon the nature of the evidence, showing the mode in which the ticket was purchased. If it was purchased for the express purpose I should consider it an evasion equivalent to taking money, but it would be difficult to prove, from the indirect mode of purchasing such tickets, that it was actually for the purpose of hire, gain or reward.

3637. Would not the admission obtained by that ticket be sufficient proof that it was sold for that purpose?—I should be certainly inclined to treat it as such.

3638. Was not the information laid against the Tottenham-street theatre at the instigation of the proprietors of Covent Garden theatre?—Not to my knowledge; I believe it was.

3639. Was it not done in their name?—No; it was laid in the name of John Parsons, I believe at the instance of the proprietors of Covent Garden theatre; but I have no right to state that as the fact.

3640. Is the Committee to understand, from what you have already stated, that your conception of the law is this, that when an information is laid against any parties for performing the drama contrary to law, the onus of proving that lies with the party giving the information, and you do not feel it part of your duty as a magistrate to call upon the parties so informed against to produce the licence or authority by which they perform the drama?—If the information is laid specifically under that statute, I think the party laying the information is bound, in applying for the penalty under that particular statute, to prove every circumstance of the case, and that is one of the circumstances, which are contained in the clause creating the offence, for not being duly licensed.

3641. Is there any other mode of laying an information against any parties for performing the regular drama which you feel would justify you as a magistrate in calling upon the parties so informed against to produce the authority under which they are acting?—I believe not, to the best of my knowledge.

3642. Then, in the existing state of the law, there is no means of convicting any parties by calling upon them to produce the authority under which they act, and if they fail to produce that authority, so convicting them?—I do not go that length. I think it is possible to prove by other evidence that they are not licensed.

3643. You do not feel that the law authorizes you under any circumstances to call upon the parties so complained against themselves to prove they are licensed?—Certainly not to prove the case against themselves.

3644. Suppose any man is committing an act which is held generally to be illegal, you think there does not exist any authority in the magistrates to call on that party to show he is acting under legal authority; but in your opinion the onus rests in the party making the complaint to prove the whole case that the party is offending against the law?—I beg to state, I confine myself to this specific question; but I am of that opinion upon my construction of the statute.

3645. Then the law is so far defective that there are no means of calling upon the

the parties who appear to be committing an offence, to show any authority under which they are acting, which would be a defence against the information?—Admitting that is an offence, I think that is so. My doubt is, whether it is an offence in the present state of the law. Theatrical performances do not constitute an offence in themselves unless they are performed in such manner as to bring them within the terms of this or some other statute.

3646. Then what do you conceive to be the use of the Lord Chamberlain's power of licensing?—I know nothing about that.

3647. The Act is founded on the Lord Chamberlain's power?—The Lord Chamberlain is the officer of the Court.

3648. The Act is very explicit, that no theatre shall be opened, unless it is licensed by the Lord Chamberlain, within the city of Westminster?—Under the terms of the statute it is so.

3649. The sum of the whole is, that the law, as it at present stands, is entirely defective as to any power to put down theatres in any part of London?—Yes.

3650. In your opinion, as a magistrate, it is entirely defective for any purpose of that sort?—That is my opinion, most decidedly.

3651. Do you not consider performers equally liable to a penalty as well as the proprietors of the theatre?—Certainly; if the case is proved against the proprietors, and they are proved to be performing, they are equally liable.

3652. Performers never can be expected to produce a licence?—No; but supposing the law was such, he might be able to show he was performing in a licensed theatre, which would exempt him.

3653. You would consider Mr. Mash, of the Lord Chamberlain's office, coming forward at Bow-street, and stating that such a theatre had not a licence from the Lord Chamberlain, was sufficient evidence to show the theatre was unlicensed?—I take it if Mr. Mash or the Lord Chamberlain did it in their own person, they must lay an information upon oath.

3654. Suppose Mr. Mash should appear before you at Bow-street in support of an information laid by the patent theatres, and state that the Strand theatre had no licence from the Lord Chamberlain, would that be sufficient evidence to convict the proprietors of violating the Act of Parliament?—I should think it would.

3655. Then the evidence is very easily obtained?—Upon that point it is.

3656. What could Mr. Mash have known of it in that case, Tottenham-street theatre being out of the jurisdiction of the Lord Chamberlain?—Nothing at all; I am supposing a case in which the Lord Chamberlain could prove the charge.

3657. That is with respect to the Strand theatre?—I should think with respect to that it would be sufficient evidence.

3658. Are you of opinion that in consequence of the alterations of the Vagrant Acts it has become necessary to amend and enlarge the Act of 10 Geo. 2, c. 28, to render that Act, under the present circumstances, effective for the object for which it was passed?—Out of the city of Westminster I think it is necessary.

3659. Why not within the city of Westminster?—Within the city of Westminster theatres must be licensed by the Lord Chamberlain. I do not see there is that difficulty of proving a theatre is not licensed by the Lord Chamberlain as there may be with regard to a patent.

3660. You said you felt some technical difficulties in the case?—Only in that case. There was not sufficient evidence, in my judgment, that the theatre was not licensed at the Patent-office. I must presume that some evidence was produced in the higher court.

3661. Supposing all theatres in the city of Westminster or elsewhere were brought under the control of the Lord Chamberlain, and the Lord Chamberlain granted licences to all, there would be no difficulty in putting down those theatres which did not receive a licence, if the Lord Chamberlain was the only person who could grant a licence?—I think there would be no difficulty if it was properly worded. I beg to make one observation in consequence of the question that was put to me before the last. I think the question applied generally to the whole of the statute. The statute likewise gives power to the higher courts of Westminster to inflict these penalties, and I do not think any judgment of my own upon the effect of the Vagrant Acts can at all operate on the higher courts. It is only so far as the jurisdiction of the magistrate is concerned, and that it is not generally defective has been proved at the Court of King's Bench.

3662. Lord Tenterden's decision you said will not bind you in any future case?—Not in the slightest, independent of any general points of law. We always view

*Thomas Halls, Esq.*

10 July 1832.



*Thomas Halls, Esq.*

10 July 1832.

the decisions of the higher courts with great respect, as they are our guides; but with regard to whether an information can be laid successfully before a magistrate or not, the decision of the Court of King's Bench would not affect me.

3663. The question applied to a summary information before a magistrate?—Yes; I am of that opinion, as applied to that.

3664. Do you think there are more theatres in Westminster than are absolutely necessary or required by the public?—There are such arrangements as to the time and seasons of opening these theatres, that it may be difficult to specify whether there are more than are required. There are certainly more than are necessary for the city of Westminster if they were open each night.

3665. You stated, in the case of the Tottenham-street theatre, you considered there ought to be a search made in the Patent-office, to prove there was no patent existing at the theatre. Are you not aware that this Act takes away from the King all power to grant any patent, except in the city of Westminster?—It did not affect existing patents.

3666. Then what they must have looked for was a patent previous to the 10th Geo. 2?—Yes, or any legal authority.

3667. What power had the magistrates, or anybody else, to grant a legal authority for the Tottenham-street theatre?—I do not believe there is any power.

3668. Then was it not absurd to call for proof to negative an authority which could not exist at all?—It might exist by patent, but not by a magistrate's licence.

3669. That patent must have existed before the 10th of Geo. 2, and therefore before Tottenham-street was built?—Possibly; but I believe Sadlers Wells existed before there was a house within a considerable distance of it.

3670. Are not those theatres which are open out of Westminster by virtue of a magistrate's licence for music and dancing, bound to write over their doors by what statute they are licensed?—They are.

3671. Should you, in that case, require the informer to search whether there was any patent or licence?—Not unless it is so specified in the statute, which I believe it is not.

3672. An information against those theatres licensed for music and dancing for acting the regular drama would be under the 10th Geo. 2?—Yes.

3673. Then in that case, with that written up over the door, should you expect the informer to produce proof there was no patent or other licence?—I should not draw any distinction; their being licensed for one thing could not affect their committing an offence of another description.

3674. You might presume they had two licences?—I never presume anything; I only require proof.

3675. The Coburg or the Surrey being in a situation where there is no authority by law to grant them any licence, except that for music and dancing, must be proved not to be licensed?—I believe the Coburg, or any other theatre so situated, might, by legal possibility, have a patent.

3676. Previous to that Act; previous to 1737?—Yes.

3677. Is it not a matter of common notoriety that no such patent exists?—I dare say it is.

3678. Is there any theatre which has a patent granted previous to that?—All the patents are previous to that.

3679. Are you not aware that Drury Lane performed on a 21 years' licence, and not a patent?—I am not aware of that; I never saw the patent of any one of the theatres. If I did, I should not exercise my own knowledge, but require strict proof. If we were once to open that loose door, we should never be able to act with any degree of justice.

3680. Then we are to understand you, as a magistrate, being perfectly aware the law is violated every night in the Strand theatre, do not think it is your duty to interfere to vindicate the law?—Certainly I have no power to interfere; I am bound to receive informations upon oath which are laid before me, but a magistrate has no power in his individual capacity.

3681. Suppose a beer-shop is open in your neighbourhood, and it was not licensed, should you call upon the informer to prove there is no licence, or upon the other party to produce a licence?—They must produce their licence, because it is under a different Act of Parliament. It is impossible to reason upon one case from the other.

3682. Why should informers against theatres be called upon to prove the non-existence



existence of a licence any more than informers against beer-shops?—Because the offences are specific, as they are created under the statute. *Thomas Halls, Esq.*

3683. Suppose another case to come before you, in which you thought proof of the non-existence of a patent necessary, how far back previous to the 10 Geo. 2, 1737, should you expect the search to be made for this patent to be proved before you; through how many reigns?—If there was no record of it in the Patent-office, that would be sufficient evidence. If it was proved there was no record of such patent, that would be sufficient.

10 July 1832.

3684. Then you would expect them to search all the records back to William the Conqueror or Hardicanute?—I did not say that.

3685. You would expect them to search the Record-office in the Tower?—Where theatrical patents are registered.

3686. Through all times of English history?—Since the time patents were created. I believe patents were not granted so long ago as you refer to.

3687. How do you know that there may not have been patents granted by William Rufus?—I never heard of any.

3688. There never were theatrical representations without some licence or other?—Probably not.

*Mr. Francis Place*, called in; and Examined.

3689. YOU are the author of a pamphlet which was put forth some time ago, called “A New Way to pay Old Debts”?—Yes. *Mr. Francis Place.*

3690. What was the chief purport of that pamphlet?—It was written in consequence of what I conceived was a fraudulent attempt on the part of those who were projecting to rebuild Drury Lane theatre. Some of my friends had paid deposits for shares, and that led me to examine the reports which had been made by the projectors, when it appeared to me to be a fraudulent transaction. That induced me to write my pamphlet, not as a pamphlet originally, but as information for my particular friends. They showed it to some of the projectors, and they returned the deposit-money, with interest, for the time they had it in their possession. The papers were out of my hands for some time, and they got into the hands of others, who were projecting a third theatre, some of whom asked my leave to print them; I consented, and they printed the pamphlet.

3691. Since that time you have given great attention to the subject of theatres?—Yes, more or less.

3692. Do you consider it a matter of notoriety that the affairs of the two great theatres are in a very bad and unprosperous state?—That is acknowledged by the proprietors.

3693. What do you consider the cause?—The size of the theatres.

3694. Do you consider that has any connexion with the monopoly?—Exactly that. The monopoly led them to construct large houses; they built the public out. This appears to me to be the cause of all their difficulties.

3695. Then you consider the size of the houses as the chief cause of the ruin of the proprietors of the theatres?—Yes.

3696. Do you consider the performances now given at the minor theatres has much to do with that?—I have not examined that question particularly. I am quite certain the size of the houses is sufficient to account for the ruin without anything else.

3697. Have you at all examined into the nature of the patents granted to the two great theatres?—I read them some time ago. I have not read them lately.

3698. Do you consider they were granted as a gift or a trust?—They, like all other patents, I take it, were granted for the good of the public, and not for the sole interest of the parties to whom they were given.

3699. Do you consider that object, the good of the public, has been effected?—No; I think the large houses have destroyed the drama as well as the property embarked in them. It has deteriorated actors and authors.

3700. You have examined into the losses of the two great theatres; the loss at Drury Lane is very considerable, is it not?—Yes; and I have made some memorandums. The loss upon each of the houses is very considerable. In the pamphlet alluded to, it is said that the committee of the projectors reported the claims on Drury Lane exceeded 435,000*l.*, with a rent-charge of 7,500*l.* which was valued at 150,000*l.*; thus the claims were 585,000*l.* These are their own figures. The new house cost 212,000*l.* and the assets realized about 30,000*l.* This is the best information I have been able to procure, and I believe it is tolerably correct.

3701. The

Mr. Francis Place.

10 July 1832.

3701. The assets of what?—The assets arising from the insurance, and the old materials left after the fire in 1809. The value of the assets, deducted from the money the new house cost, leaves a balance of 767,000 *l.*, which shows the sum at that time embarked in Drury Lane was 767,000 *l.* Of this sum about 370,000 *l.* was given up as lost and gone for ever.

3702. Where have you obtained that information?—I have obtained that information from the reports of the Drury Lane committee, printed by themselves. Two of the items are confirmed by evidence delivered in this room by the treasurer of the theatre.

3703. There is no doubt about their being authentic?—None whatever. As far as it goes it is clearly authentic. This sort of evidence can only be of use to show the object intended by the patents has not been realized.

3704. Do you mean the public would have supported the monopoly if it had been used for the public amusement?—I have no doubt about it. I think it follows that if the houses had not been more than from half to two-thirds their present size they would have flourished. It is the excessive outlay, and the high prices for admission, the consequences of the monopoly, inducing them to build houses which cannot be filled, which has ruined them.

3705. Then you conclude they have not fulfilled their trust by the public not supporting their theatres?—Yes. I never paid, and I never will pay, 7 *s.* to go to the boxes; many whom I am acquainted with have staid away for the same reason, as well as from their not being able either to see or hear.

3706. And do you not think there is some fault to be attached to the description of entertainment they give?—I do not know that it can be called a fault; they have been compelled to deviate from what you call the regular or legitimate drama. I have an abstract here from a deposition of Mr. Harris, made in the Court of Chancery, which shows most clearly that from the rebuilding of Covent Garden theatre in 1809 to 1821, they did not clear a shilling by the regular drama.

3707. What did they clear by?—By the Christmas pantomimes. Mr. Harris, in his appeal to the House of Lords, Exhibit No. 1, page 62, says, “upon the success of the Christmas pantomimes in a great measure depended the whole profits of the different seasons.” In page 64 is an account of the receipts of the house during the run of the pantomimes for eleven seasons, beginning in 1810–11 and ending 1820–21. The money produced was 184,242 *l.*; the annual average is 16,767 *l.* The profit, as it was called, during these eleven seasons, (case, page 9,) averages 13,500 *l.*, leaving an annual balance of 3,267 *l.* in favour of pantomimes, a sum more than sufficient to pay all the expenses of these pantomimes. The average profits, as they call them, of each of these seasons was 13,500 *l.*, and the average produce of the pantomimes was 16,767 *l.* It follows then necessarily that no profit was got from all their other performances; not a shilling beyond the expense from anything but the pantomimes during the eleven seasons when the concern was most prosperous.

3708. That has not been the case recently?—No; that was from 1810–11 to 1820–21; even pantomimes have failed since that time, and there has been no income beyond expenditure. There was no actual profit from the time the house was enlarged after the fire, not even so much as two per cent. clear interest on the capital from 1809 to 1822. With reference to Drury Lane, I stated the claims were 767,000 *l.*; a large proportion of the 767,000 *l.* was given up. If we were even to suppose that half the whole outlay was abandoned, that 383,500 *l.* was relinquished, there would still remain 383,500 *l.*, and there are 20 years’ interest upon it, making it still 767,000 *l.*

3709. Then from that statement of loss you appear to draw this deduction; first, you consider it shows the monopoly had not protected the two great theatres from loss; and, secondly, you would assume that very loss was to be considered a proof that the two great theatres have not attained their object, namely, the good of the public, because in that case you think the public would have supported them?—Yes.

3710. Were the patents ever sold?—Yes; in the reports of the Drury Lane projectors in 1811, and in evidence given before this Committee, it is proved that the patent which was said to be dormant, that is, dead and buried, was sold for 16,000 *l.* It was sold in 1792.

3711. What patent was that?—Killigrew’s patent. The two patents were in the hands of the proprietors of Covent Garden theatre, and it was thought necessary

sary that Drury Lane should have one; as they were acting under a licence which, strictly speaking, was, I think, illegal, they thought it right to obtain the patent.

Mr. Francis Place.

3712. Was the theatre at that time in a flourishing state?—Yes.

10 July 1832.

3713. In a more flourishing state than they are now?—Yes, it was then in a flourishing state, and that gives the highest value of the two patents.

3714. Then you would estimate them at 32,000 *l.*?—Yes, as was supposed at that time.

3715. Do you consider the two great houses are entitled, in consequence of those great losses, to any compensation, supposing the patents were thrown open?—Compensation for an outlay, or a compensation for the patent, or both?

3716. Compensation for the patents, and the ground upon which they made the outlay?—I think they are not entitled to compensation upon any ground at all; they speculated beyond their strength, lost their fortunes, (which I am very sorry they did,) and have not performed the conditions of the grant. They have neither been of use to themselves nor to the public, and I do not see what ground for compensation can be laid.

3717. Then you consider those sums of money laid out form no ground whatever for compensation?—I think they do not form any.

3718. Do you consider that the monopoly has fostered actors and actresses to the full proportion in which actors and actresses can be fostered in this country?—No; I think it is impossible without competition. There is so much growing talent, and such perfection of talent, in other professions, that competition for fame in theatricals, as well as in other things, would produce similar results. I know very well the present distressed state of the drama, and I attribute it to the size of the theatres. The only first-rate actors they have left us in tragedy are Mr. Macready, whose range is limited, and Mr. Kean, who only plays occasionally; in comedy, Mr. Kemble, Mr. Liston, Mr. Dowton and Mr. Farren. Of these, at the present moment, there are under engagements at the two monopoly houses, in comedy Mr. Farren, and in tragedy Mr. Macready. Of women there are not one first-rate actress now upon the stage at either house. This is the state to which the drama has been brought by the monopoly.

3719. Do you consider that is a general feeling among the tradespeople in the middle classes?—I know it is the opinion of many among the middle class of people, and of many literary men, who are very competent to judge.

3720. What do you consider would be the effect of throwing open the theatres, that is, allowing the regular drama at the minor theatres?—It would prevent the proprietors of the so called patent houses losing any more money. I do not believe at the present moment the patents would sell for anything without the theatres.

3721. You mean by shutting them up?—No, let them take their chance. I think you will find if the houses were sold they would not pay what they call their debts and the losses incurred since they were built, exclusive of the investment of capital, which, with interest, is 600,000 *l.* or 700,000 *l.* each, at the least; if they were sold there would be nothing left for the company of Drury Lane nor the proprietors of Covent Garden, and no chance of further losses.

3722. What do you consider would be the effect of throwing open the theatres, as far as the public is concerned?—There would be speculations in that as in other trading concerns, and after a while the play-going public would have the entertainments they desired, in reasonably-sized theatres, and at reasonable prices.

3723. Do you think there would be more theatres than there are now?—There would soon be the number that was proper, there would not be more; it is the case in other large concerns, and would be the case with theatrical concerns.

3724. Have you considered the question of licensing plays?—The opinion I entertain with respect to licensing is, that the power of licensing should be compulsory.

3725. That is, licences for the theatres?—Yes.

3726. But with respect to licences for plays?—I do not think there need be any licence for plays.

3727. Do you not think there would be political plays?—Yes; and there ought to be. In respect to immorality and indecency, writers, managers and players will go to the verge of sufferance; they always have done so; and the public will correct them as it has corrected them. When the Recruiting Officer was brought out at Covent Garden some three or four years ago, a great deal was cut out, and yet some of the performers took more out; they would not speak the words. It could not be otherwise. There is a sufficient safeguard in the deference they are compelled to

Mr. Francis Place.

10 July 1832.

pay to the audience. I do not think the theatre ever led the public in these respects, but that they were governed by the public. I have taken some pains to investigate the subject, and have satisfied myself, that from the Restoration to the present time the indecency and immorality exhibited on the stage was just what pleased the public, and as the public became more moral and more particular the theatres conformed to their wishes.

3728. Do you know who the licenser was when the Recruiting Officer was played?—I do not know; it was in 1705.

3729. The licenser was not appointed at that time?—No, the Master of the Revels and the Lord Chamberlain had the power, which they endeavoured to increase.

3730. To what period are you alluding when you say the performers carried the corrections further than the licenser, in the case of the Recruiting Officer?—Three or four seasons past. The Recruiting Officer, and other plays of Wycherley, Vanbrugh, Congreve, Farquhar, and others, which would not be tolerated now, were played at the commencement of the last century with great applause, and continued to be played as long as the public would endure them. With respect to the patents, the Committee is aware they were trifled with from the beginning. There were patents granted to other persons. Queen Anne granted a patent or a licence; George the First and George the Second both granted patents or licences; King George the Third granted a patent in the nature of a licence for 21 years to Drury Lane, when both the original patents were in the hands of the proprietors of Covent Garden theatre.

3731. Do you consider from that trifling the persons who embarked money in the two great theatres ought to have considered it in the nature of a speculation?—Certainly; they could not expect them to be continued against the public interest for ever. We find there was a patent to Betterton, who carried his company to Lincoln's-Inn-Fields, then to Vanbrugh's theatre in the Haymarket, and back again to Lincoln's-Inn-Fields.

3732. Do you think the public would have subscribed their money to build those theatres if they had not thought these theatres possessed these exclusive privileges?—No, I do not think they would.

3733. Then the public were induced to advance their money under false pretences?—I dare say the parties thought they had an exclusive right. I do not mean to say they intended to commit a fraud in that particular.

3734. Then the public were ill-used in subscribing their money?—They were ill-used; and my friends who subscribed would have lost their money if it had not led to the investigation which saved them. The Drury Lane Committee, or some of them, saw the matter so clearly, that they not only paid back the deposits to my friends, but they paid them interest for the time they had the money.

3735. But do you not think these ill-used people are entitled to compensation?—Certainly not: the persons who speculated in the Golden Lane Brewery, where a very large sum was lost, were deceived, and deceived themselves; they did not consider themselves entitled to compensation.

3736. Do you mean to state that, in your opinion, there ought to be no limit to any political allusions in a play, or any indecency or immorality, which might be produced at a theatre, other than the limit which would be imposed upon it by the judgment of the audience?—Yes, I think no other restriction is necessary. In the case of the Recruiting Officer and of the Beaux Stratagem, Mr. Kemble and Mr. Keeley used words which were much softened from the original, yet they caused a sensation in the house which prevented their using them any more. I thought the rebukes they received wholesome and sufficient corrections.

3737. Do you believe that opinion, which you have just expressed, is the prevalent and general opinion of the public?—No, I do not think it is. I know it is the opinion of many well-read and intelligent men, but I do not think it is the general opinion.

3738. You think the small theatres might fairly be allowed the privilege of playing Shakspeare?—I think it might be fairly left to all to play what they please.

3739. You think it would naturally settle like other things?—No doubt it must. If you want to have any thing done as well as it can be done, you must leave it to competition.

3740. Suppose the minor theatres had the privilege of performing any plays of Shakspeare, and nevertheless, from the actors at that small theatre being incompetent



petent to play it, they should be prevented from giving Shakspeare's plays the effect which they received at the larger theatres, and consequently they do not attract the public so much as a vaudeville, do you think the minor theatres would not perform Shakspeare, which would not attract the public, but would perform vaudevilles which would attract?—Certainly; they would play that which would bring most money; and they would judge of the propriety of what should be played by the state of their company.

Mr. Francis Placa,

10 July 1832.

Mr. *Richard Malone Raymond*, called in; and Examined.

3741. ARE you the manager of the Liverpool theatre?—Joint-manager of the Liverpool theatre.

3742. Are there two theatres in Liverpool?—There are three or four.

3743. How long have you been manager?—Not quite three years.

3744. Are you in the habit of representing many new dramas which have been brought out in the London patent or other theatres?—We have occasionally played some farces, never any plays.

3745. Is yours a theatre which acts the regular drama?—No.

3746. You have played some farces which have been produced in London?—The first season we opened the theatre we did that repeatedly.

3747. Have you ever had any communication with the authors of those pieces, with respect to remuneration?—Never.

3748. Supposing the authors had power to prevent your acting those plays without remuneration, should you have thought it worth your while to pay them anything for the power of acting them?—It would depend very much upon the terms they would have to propose.

3749. You would feel yourself authorized, or you would find it advantageous to you, to play those pieces though you paid the author a small sum, say 20 *l.*?—Most decidedly, if we thought the piece would be productive in proportion to the sum we paid for it.

3750. Have you played any pieces for which you would have been able to pay that sort of remuneration?—I do not know that we have to the amount that is mentioned.

3751. Would you have paid a smaller sum?—Yes.

3752. Do you think, generally speaking, the managers of provincial theatres would be able to remunerate authors with small sums or large sums for the power of playing their pieces after they had been performed at the London theatres?—Yes, I think so.

3753. You think they could afford a moderate sum?—Yes.

3754. Do you think such a copyright or property in their pieces might be given to authors without injuring the provincial theatres by stopping the performance of those pieces in the country unless they paid for them?—If they were prohibited from playing pieces produced in London, there would be a great scarcity of new pieces in the country.

3755. That would arise from the provincial theatres not being able to remunerate the authors?—From their not being able to remunerate the authors if their demands were exorbitant.

3756. Do you think they would in general agree with the provincial managers as to terms?—I think, in general, they would.

3757. Upon the whole, you see no objection to such an enactment?—I do not.

*William Wilkins*, Esq., called in; and Examined.

3758. I BELIEVE you have been concerned in the building of several provincial theatres?—Yes, I have; a great many.

W. Wilkins, Esq.

3759. Are you proprietor of or concerned in some theatres?—I am proprietor of six theatres, the freehold or very long leases.

3760. What theatres are they?—The Norfolk theatres: Norwich, Bury, Cambridge, Ipswich, Yarmouth and Colchester.

3761. Do you remember one or two seasons ago there was a Bill brought into Parliament to increase the profits of dramatic authors by requiring the provincial theatres to remunerate them?—Yes, I remember calling upon a Member of this Committee on the subject.

3762. You objected to that Bill?—Yes; very strongly.

679.

D D

3763. Will



*W. Wilkins, Esq.*

16 July 1832.

3763. Will you state the grounds upon which you objected?—Upon various grounds. The provincial theatres labour under such great disadvantages already that any greater burthen would be ruinous to them. Nothing but the circumstance of having six theatres belonging to one company, which enables them to retain the company all the year through, and to change their place of exhibition constantly, could possibly enable my tenants to keep the theatres open.

3764. Then your objections arose from the present languishing state of the provincial drama?—Yes, in some measure, certainly.

3765. Should you have had any objection to its enactment some years ago when the provincial theatres were in a better state?—I should, for I thought it unreasonable. I do not see upon what principle dramatic authors of a certain stamp are entitled to call for remuneration.

3766. Of what stamp are you speaking of?—Not original writers, such as furnish plot and character, and so on, by their own ingenuity. These are not the sort of plays which go down in the present day; the public taste is altered, and melo-drama and translations from the French, and old plays modernised and adapted to our customs, and sometimes to particular performers, are the only things that are successful. I look upon such writers as not entitled to the same degree of reward.

3767. Are you aware they are remunerated in other countries by the provincial theatres?—I do not know that they are, except writers of original dramas, who have a lien upon the performance; but not mere cooks-up of dramas. I can hardly call them literati.

3768. You would allow it in the case of an original writer?—Yes, because a man's original talent is always of a high value, and ought to be productive to himself.

3769. Does not the principal attraction of your theatres in the provinces arise from novelty of that sort, whether original or translations, or whatever description of production they may be?—Yes, I am sorry to say such is the state of the public taste that it is the case.

3770. Then is it not fair the authors of those pieces should have some remuneration from those who profit by the produce of their brains?—I can carry that principle through all the branches of dramatic literature or science. It may be so, but if I write a book on mechanics, the law protects my copyright only, it does no more. Any petty schoolmaster may avail himself of it, and may make it a source of profit to himself by teaching his scholars; I cannot prevent it.

3771. You have the copyright?—Yes, and dramatic authors have the copyright of their works.

3772. Do you not think if there was an increase of remuneration to dramatic authors, dramatic writing would improve, as you would attract first-rate talent to the theatres?—I do not know that it is regulated by that. They receive a certain sum at present, but formerly they had a certain number of nights.

3773. What difference does it make in what way they receive remuneration, so that the remuneration is sufficient?—Why it virtually does differ, as it does not appear to come out of the pocket of the manager; the public pay for it.

3774. Suppose the author demanded 10*l.* or 20*l.* for the performance of a very successful piece brought out in London, would it not be worth the while of the provincial managers to pay that?—If it was a successful piece, and likely to have a run, it might be worth while; but they are in general so ephemeral, they do not run more than two or three nights.

3775. Now, in the instance of the *Hunchback*, would it be worth while to pay for that?—Yes; I consider that is an original drama. I think the author of the *Hunchback* ought to have remuneration from all theatres that can afford it.

3776. Could not the provincial theatres afford to pay for it?—I cannot say they could afford it, but they would be obliged to pay for it.

3777. Do you conceive such an enactment would be unobjectionable if confined to original pieces?—I think it would be less objectionable.

3778. But still there would be an objection?—Yes, because it increases the burthens of the provincial theatres, which are so great already.

3779. To what do you attribute the decline of the provincial theatres?—There are various causes; in the first place, perhaps, the increase of sectarianism.

3780. Religious feelings?—Yes, that is one cause, and the taste of the English people is also very much altered; they are not a play-going race generally.

3781. Do you consider the play-going population has increased in the same ratio as the population generally?—I consider it has decreased in an inverse ratio.

3782. In

3782. In town and country?—I am speaking generally of the provincial theatres. From being connected with six of them, I frequently go down to see the property is not injured.

3783. Your theatres are patent theatres?—One, Norwich, is, the others are not.

3784. You play by the licence of the magistrates for 60 nights?—By a magistrate's licence for a certain time.

3785. Do you ever produce new pieces?—I know of three or four instances.

3786. Have you submitted them to the Lord Chamberlain?—Yes.

3787. You consider yourselves entitled to act any play which has been printed?—Yes, I believe that is so.

3788. Have you not been in the habit sometimes of getting manuscript plays that have not been printed?—I do not know the machinery of the thing; it is possible; but I know nothing about it.

3789. The objection you have stated to granting copyrights to authors is the additional weight it would throw on the provincial theatres?—Unquestionably it would be a very heavy weight.

3790. At the same time you stated that Mr. Knowles ought to receive something for the Hunchback wherever it was performed?—I think every man is entitled to receive compensation for original talent.

3791. But you think a man ought not in justice to receive compensation for what you do not consider the legitimate drama?—I do not consider he has any claim upon the public.

3792. You do not consider a man is entitled to the produce of his labour however he may bestow that labour?—If it is original; but the fact is, the source of his work in general he draws from different quarters. There is no ingenuity displayed where mere translation is employed.

3793. It will not have so long a run, being an ephemeral piece, as a legitimate drama of great merit?—No.

3794. Then in the long run, supposing the copyright is granted to authors, and they could have a certain sum for every night it is performed, a translation would not afford him so large a profit as a legitimate drama?—I do not know of any ground upon which to form a calculation.

3795. It would not last so long, and therefore would not produce him so much?—No.

3796. Consequently, if a copyright is granted, the original talent displayed in the legitimate drama would be better rewarded than the talent or want of talent displayed in a small ephemeral piece?—Very likely it would; for instance, Foote's pieces are in a great measure taken from the French; I should say Foote had no claim to compensation beyond the literary copyright, because he has displayed nothing but adaptation.

3797. Who is to be made the judge of that? You might call Virgil an adaptation?—I do not say that.

3798. Any man who borrows largely you might call an adaptator?—Any man who borrows largely from Virgil has no claim on the literary public.

3799. Virgil borrows largely from Homer?—We cannot help that; we are all plagiarists more or less; there is nothing new under the sun.

3800. You say the provincial theatres have declined of late?—Decidedly.

3801. From what causes?—From various causes: from the increase of sectarianism chiefly, but also from the genius of the English being materially altered; they are not the play-going people they used to be; also from the circumstances of the times.

3802. You say there are not so many play-goers because sectarianism has increased; what are the other causes?—The taste of the English people is altered.

3803. Do you think the actors in provincial theatres are as good as they formerly were?—They are very good; they form the nursery for the theatres in London.

3804. Are they as good as formerly?—Quite as good.

3805. Has there been an increase of provincial theatres?—On the contrary, I believe a decrease. I may state, that seven years ago I let my theatres upon lease to a person who gave me 1,150*l.* for my six theatres, and after an interval of four years I have been obliged to take 350*l.* per annum less, and he is now calling upon me for a further reduction.

3806. In general the provincial drama is in an exceedingly bad state?—In a very bad state.

379.

W. Wilkins, Esq.

10 July 1832.

3807. Scarcely any change could make it worse?—If you shut them up altogether it would be worse. If the theatres were shut up, there would be certain reserved rents I am obliged to pay, and it would cost me more than now. In Norwich, my tenant has an annual loss of 500*l.*, which is only made up by the other theatres, going from place to place for a short time.

3808. Do you consider sectarianism prevails largely in Norwich?—To a very great extent, and Colchester is similarly circumstanced.

3809. Do you consider the taste for the drama could be at all revived?—I do not know by what circumstance. You must procure better writers. There is a great paucity of good writers.

3810. Supposing authors could obtain a permanent reward; that is, suppose he had a certain sum every time his play was performed at the provincial theatres by which he might obtain an income, do you not think an author would have a natural desire to produce a piece which would be permanent rather than produce something ephemeral?—He would desire, of course, but it does not follow that he would succeed.

3811. Would it not be his interest to endeavour to do so?—Certainly; a man will exert all his talent and power in pursuit of any object which it is interest to attain.

3812. Do you think there has been a dearth of literary talent in the country for the last few years?—I think literary talent has been on the decline generally.

3813. Keeping pace with the decline of talent in the drama?—Yes; and in the arts and sciences I think we have not kept pace with foreign writers.

3814. With foreign writers generally?—Yes.

3815. Do you think their writers are as good as Byron, Scott or Southey?—I allude chiefly to dramatic writing. There are different kinds of dramas, some for representation and some for the cabinet. Lord Byron's dramas, for instance, are better for the cabinet than for representation.

3816. If, as you say, wherever the interests of men direct them to one quarter their full powers and energies will be exerted, do you not consider if the current is particularly strong in favour of the drama, that talent would be directed there as well as into other quarters?—No, I think men of true literary talent look to reward of a different character, to fame and reputation.

3817. Then you do not think fame and reputation would be obtained in the drama?—Yes, if talent can be obtained.

3818. You stated, wherever any particular interest lay in the exertion of any particular powers, it would be natural to expect great powers would be exerted in that direction?—Certainly.

3819. Would that apply to the drama?—Yes; but authors of great talent, who write for the drama, or for the arts and sciences, look to posthumous fame, and present reputation, for remuneration.

3820. That reputation would be acquired in the drama as well as in anything else?—I think a play-writer must be born, as well as a poet, *non fit*.

3821. You consider it just that dramatic authors should be paid for their works at the provincial theatres, though they could not afford to give it?—There is no man who should not be paid for his labour some how or other; either by reputation or profit. Some men are satisfied with fame, others by less noble rewards, by pay.

3822. What form of theatre do you consider best adapted for seeing and hearing?—I think the best form is the semicircle. We know the ancient theatres were built in that form. In the theatre at Omena, which is a semicircle, the voice may be heard all over the house. That form is the most perfect; but there are other considerations which must be taken into account. In the first place the ancients always performed in the open air, and as air is the vehicle of sound, it is necessary it should be pure, but you cannot get that in a theatre that is closed from the air: the air in a theatre is not pure, and is not capable of producing that clearness of tone. There is also a prevalent belief that theatres should be constructed of wood to make it more sonorous, but that is a mistake, as in fact it is like speaking in a tub.

3823. Do you think it is indifferent whether it is constructed of wood or stone?—I think it should be constructed of more permanent materials. If you could have a theatre of iron or a stage of iron, you would have a perfect theatre.

3824. Do you consider a semicircle better than a horse-shoe?—Our theatres are in general constructed in the horse-shoe form, and so are the ancient theatres. The Roman theatres were larger than ours, and we have every reason to believe they heard perfectly well. They were of the horse-shoe rather than the semicircle.

W. Wilkins, Esq.

10 July 1832.

3825. You think when it is in the open air you hear better?—Yes; the elasticity of the air is greater.

3826. Do you think the ancients had any secrets with respect to the conveyance of sound?—No, none. In the ancient theatres they performed in masks: some writers say it was to increase the sound of the voice, but I believe it was merely for the purpose of concealing the features.

3827. Do you think an architect could secure a perfect conveyance of sound in any theatre?—Yes.

3828. You do not consider it is accidental?—No; I consider it is a point of science.

3829. If you were desired to construct a theatre that should be perfectly adapted to seeing and hearing, would you construct it as large as Drury Lane or Covent Garden?—Certainly not; for as our representations take place at night you cannot secure the prevalence of pure air.

3830. You attribute it to the air more than any thing else?—Yes, as a vehicle of sound certainly; if the air is pure its power of conveying a sound will be greater.

3831. How do you secure the prevalence of pure air in a small theatre?—I consider so, *ceteris paribus*; the apertures are larger.

3832. Have you ever built a theatre?—Yes, several provincial theatres, and rebuilt them also.

3833. Have you any general observations to offer to the Committee?—I hope, if the object the Committee have in view may lead to the remuneration of authors, they will think a little of the powers of managers. We play now at Norwich, under the Lord Chamberlain's licence; an Act of Parliament passed to enable the Lord Chamberlain to licence a theatre at Norwich.

3834. Was it to enable the Lord Chamberlain to licence, or the King to grant a patent?—I do not remember.

3835. What Act was it?—A local Act, about 70 years ago. At all other places we are quite at the mercy of the magistrates, who may licence or not at their pleasure.

3836. Is their licence granted or withheld capriciously?—No, not at all; but there is room for caprice: and at the University we have no licence whatever; and, therefore, I should humbly propose that something should be done to enable the Vice-Chancellor at Cambridge to grant permission to perform during the vacations, so that the inhabitants should be enabled to have theatrical amusements like the inhabitants of every other place. If it took place during the vacation, it would have no improper influence on the minds or studies of the students.

3837. Have you reason to suppose that the Vice-Chancellor would grant a licence if he had the power?—Yes, he does so at present, but he does it at his risk; and some timid Vice-Chancellors are afraid to do it.

3838. Was not there a disturbance some years ago at the theatre?—Yes, I believe there was.

3839. You do perform there now during the vacation?—Yes, the Vice-Chancellor permits it without any power.

3840. Then you are liable to prosecution every time you act?—It lies with the Vice-Chancellor whether he will receive informations or not.

3841. Does the theatre answer at Cambridge during the vacation?—Yes; it is one of the things that makes up for the loss at Norwich. The loss there was 500*l.* a year; it was only made up by establishing the Bury and other theatres, so that they go from one to another.

3842. You said your theatre was a nursery for good performers?—Yes.

3843. Can you name any performer of reputation who has come out at those theatres?—Yes; Mrs. Siddons came from Norwich.

3844. Since you had them?—No; they have been a very short time in my possession, not more than 15 years.

3845. During the last 15 years have they produced any eminent actors?—Some very good actors.

3846. Can you name any?—Some of the best actors at the minor theatres.

3847. Who are they?—There is a very celebrated lady, Mrs. Sloman, who is one of the best tragic actresses I ever saw; she is gone to America, as she has not physical powers for the large theatres, and they could not give her enough money at the minor theatres.

3848. Have you found persons who are very good actors in a small theatre who have not physical powers for the large ones?—Yes; it happens frequently. I have



*W. Wilkins, Esq.*  
 10 July 1832.

known three or four who were extremely good performers at a small theatre in the country, when they came to Drury Lane or Covent Garden they have totally failed.

3849. Was that from want of physical organs or bashfulness?—Certainly not from bashfulness, for that is a virtue I never heard they possessed in an eminent degree.

*Mr. George Bokwell Davidge*, called in ; and further Examined.

*Mr. G. B. Davidge.*  
 —

3850. HAVE you any share in a provincial theatre?—I am lessee of the Royal Amphitheatre at Liverpool.

3851. That is not for the regular drama?—No.

3852. Have you ever had any share in a provincial theatre for the performance of the regular drama?—Never.

3853. Who is the manager of the old Liverpool theatre?—Mr. Lewis.

3854. What are the entertainments of the amphitheatre; you do not act the regular drama?—No; similar pieces to the amphitheatre in London; Ducrow's theatre.

*Mr. J. R. Planchè*, called in ; and Examined.

*Mr. J. R. Planchè.*  
 —

3855. YOU are the author of *Oberon* and other dramatic pieces?—I am.

3856. It was stated you received 400*l.* for *Oberon* from Covent Garden theatre?—I received 400 *l.*, including the copyright; 300 *l.*, the common terms for a three act opera, which I had been in the habit of receiving before at the theatres, and 100 *l.* for the copyright.

3857. What other works have you written?—I have placed, of one description or another, 73 dramas upon the stage.

3858. Which have been the most successful ones?—Charles the Twelfth, the Brigand, the Woman never Vexed, Maid Marian, and the Rencontre.

3859. What has the Brigand produced you?—£. 100.

3860. Has that been very profitable to the theatre?—I have heard from the treasurer of Drury Lane that it produced a great deal of money to them.

3861. Do you conceive it would be very advantageous to authors to have the law in this country analagous to the law in France, to have a copyright in their works?—There cannot be a shadow of a doubt of it.

3862. Do you consider it would be easy to obtain any money from the provincial theatres?—There would be some difficulty in that.

3863. If a piece could not be performed without the leave of the author, do you think authors in general would demand reasonable terms?—Most decidedly.

3864. What would you demand for *Oberon*?—I will mention a case that occurred to me, as an instance. In the case of Charles the Twelfth, one of the most fortunate of my pieces, and also one of the most original, I asked Mr. Murray, of the Edinburgh theatre, five guineas for permission to perform that piece in any theatre of his for any length of time. I have his letter in my pocket in answer to that, in which he states, that in consequence of the depressed state of provincial theatrical property, and the introduction of half-price, it did not enable a provincial manager to get up a piece at all, and under these circumstances he should be very happy to give it to me, if he could afford it, but he could not, it being an afterpiece. He afterwards obtained surreptitiously a copy of it, which he played many nights as a first piece; he then had a paragraph inserted in the papers, requesting him to play it as an afterpiece, to accommodate those who could not come at first price, and it had a considerable run as an afterpiece.

3865. Are all your pieces licensed?—All of them.

3866. Have you ever had to wait previous to the work being read?—No, I never remember a play being postponed.

3867. You always met with prompt attention?—I have had no communication with the licenser personally, it has been produced generally on the day named, at least the delay did not arise from the licenser.

3868. When you put a play into the hands of a manager for approval, have you ever had much delay?—Yes, considerable.

3869. What do you call a considerable delay?—A whole season sometimes.

3870. Do you think if the legitimate drama were allowed at the minor theatres, it would be advantageous to authors?—Certainly.

3871. Would works like *Oberon* be as well performed at a minor theatre as



at Covent Garden?—No small theatre would attempt to play a piece of that description. Mr. J. R. Planchè.

3872. Do you consider the small theatres would be able, from the natural order of competition, to afford a fair price to authors?—They have afforded a fair price to me. 10 July 1832.

3873. Have you written for the minor theatres?—Yes; I have written for the Olympic, the Adelphi, and Sadler's Wells.

3874. So far as authors are concerned, it would be advantageous to them?—Yes.

3875. Suppose the property of dramatic authors in their pieces was extended, as is proposed, and that provincial theatres objected to pay anything to an author for the right of representing it; would it not be worth the author's while for mere fame or reputation to permit it to be acted at a provincial theatre?—Yes, certainly, cases might occur; because now they obtain them surreptitiously, and they act them in very imperfect parts, an instance of which occurred in the case of the "Rencontre."

3876. You heard Mr. Wilkins's evidence; do you conceive that provincial theatres are in a state to be able materially to increase the remuneration to be given to dramatic authors?—I conceive if they are playing at a loss; but as Mr. Wilkins has confessed melo-dramas and translations draw some money, if the representation of those pieces which are the most successful in London enable them to lessen their loss, it will be certain gain to them, and if they lessen the loss 1 l., the author would surely be entitled to 1 s.

3877. Would not that be too trivial?—No, I will say a farthing; but I do not think it is from those theatres we should seek remuneration; but from Birmingham, Dublin, Liverpool, Bath, where managers are in the habit of making money.

3878. Do you consider, in fact, that the provincial theatres could give much to authors?—If I may answer the question by putting another, I would ask, was five guineas too much for permission to act Charles the Twelfth in every theatre? It must have cost Mr. Murray as much to obtain a copy of it by a short-hand writer.

3879. You consider if the means of remuneration were even so small as that, such an enactment would be valuable to authors?—Yes. I seldom take up a provincial play-bill in which I do not see a piece to be performed for which I should have a right to claim some small profit.

3880. Do you think 100 l. or 200 l. a year would be obtained by the dramatic author under such circumstances?—I have no doubt that at this moment I should be receiving 100 l. a year from provincial theatres, without any detriment to their interests, if the law had existed at the time I began to write.

3881. Do you think it would be sufficient to enforce that law to give authors a right of action, the same as in the case of literary copyright?—Certainly not; I fear there are very few who could run the risk of an action.

3882. What would you propose?—I had the honour some time ago to submit to the House of Common, through the medium of Mr. Lamb, a bill upon this subject; and I took the opinion of several legal and literary gentlemen, and it was proposed it should be by summary process before a magistrate; that unless the manager of a theatre could produce an attested permission from the author to play that piece he should be fined a certain sum; not for playing the piece, but for breaking the Act of Parliament.

3883. Do you not think there would be difficulties in carrying that summary process into effect; as, for instance, in the case of a translation, how could the justice decide that another person had not translated the same piece?—The title is copyright; they have no business with the same title, because they profess to play a piece performed in London; no other would satisfy them.

3884. Do you think it would detract from the attraction of the piece if they gave it another name?—Most decidedly.

3885. Suppose they gave it another name, and said "translated from the same piece as Mr. Planchè's favourite piece in London"?—They would not hazard that, in my opinion; they will always find ways to evade the law; but I should be satisfied with such an Act in my favour.

3886. You think magistrates would be able to carry it into execution?—I cannot say that.

3887. Do you not think they would be very shy in pronouncing a piece a plagiarist or not?—I know that is the opinion of Mr. Lamb.

3888. At the time that bill was introduced was it considered by authors in general that the remedy by action would be of no use at all?—Certainly.

679.

3889. You

Mr. J. R. Planché.  
10 July 1832.

3889. You say that some of your plays have been delayed a whole season at some of the theatres?—I do not mean to make any complaint, but I merely state a circumstance which has occurred.

3890. Have you ever known an instance where a piece has been kept back at a theatre contrary to the wishes of the author?—I do not call it to my recollection at this moment. It has not occurred to me; I have experienced a delay which I thought detrimental to my interests, and also to the interests of the theatre; but I could not complain of it as wilful or personal.

3891. When a piece is accepted by one of the theatres, have you the power of withdrawing it if not produced within a certain time?—I should consider I had, unless I had sold it, and was paid for it.

3892. One of your pieces was, the “Woman never Vexed;” that was founded on an old comedy?—Yes, it was quite so.

3893. Suppose they contended before a magistrate that piece was only an alteration of an old comedy, would it not be a difficult thing for a magistrate to judge of that?—That is not the original title. It was called “The New Wonder, or the Women never Vexed,” and the title of mine was “The Woman never Vexed, or the Widow of Cornhill.” Mr. Lowndes, the printer, reprinted the old play, and sent it into Covent Garden as the acting play. Mr. Dolby, who had bought my copy-right, proceeded against him in Chancery, and stopped him, but at the cost of 30*l.* to himself, he having given me 50 guineas for the copyright.

3894. Your reliance is on the attraction of the title?—Yes, certainly.

3895. Do you not think it would be possible for a country manager to act the same with a different title, and insinuate in the play-bills that it was the same piece under another title?—I have heard it said that there was no Act of Parliament ever framed which you could not drive a coach and six through, and therefore I cannot pretend to judge of that.

---

*Jovis, 12<sup>o</sup> die Julii, 1832.*

EDWARD LYTTON BULWER, ESQ., IN THE CHAIR.

Mr. Thomas Morton, called in; and further Examined.

Mr. T. Morton.  
12 July 1832.

3896. YOU wish to add something to your former examination?—In my former examination I left my memorandums at home, and I omitted many things which I thought might be worth the Committee’s attention.

3897. What is it you wish to state?—First of all, I think I said before that I thought the drama would sustain an injury by allowing the minors to perform what is called the legitimate drama; that was a mere assertion on my part, and I would now, with your permission, endeavour to explain my meaning, by showing how that is grounded; and I would take a practical view of the question. I believe the expenditure of the Theatres Royal exceeds 3,000*l.* a week. I know the expenses of Drury Lane the season before last were 265*l.* a night, and I understand last season it was diminished by 5*l.* or 6*l.* a night; and, therefore, that will amount to more than the sum I have named for the expenditure of the two theatres. Of course this large expenditure is devoted in a great measure to the payment of performers, and I hardly need add, that that expenditure would command the elite of the dramatic corps; and yet, in despite of that, I do not know a complaint so frequently made, both by the press, and in society, as that our third and fourth-rate characters are inadequately sustained. That I think a very important thing for the consideration of this Committee; because what chance is there of the minor theatres, whose first-rate salaries are only commensurate with our third or fourth, acting the great tragedies or comedies effectively and well? I think it is true that is the proportion; our third and fourth rate salaries are equivalent to the minors’ first-rate salaries; and, of course, I should say our performers are in the same ratio; or to bring it to a practical illustration, our King Claudius perhaps would be their Hamlet, and then perhaps it might be asked what their King Claudius would be? I think Shakspeare has called him by his true title “a king of shreds and patches.” With respect to Shakspeare and his plays, I think I may be allowed to say he has spoken his wishes upon this subject very forcibly, for in the

the prologue to *Henry the Fifth*, impressed with the nobleness of his subject and the mightiness of his powers, he asks for "A kingdom for a stage, princes to act, and monarchs to behold the swelling scene!" I think he very feelingly complains of how he is "cabin'd, cribb'd, confined within the girdle of those walls;" and for my part, it seems a command upon his countrymen that his pieces should be produced only in the noblest temples of the Muses.

3898. Why were not those commands obeyed by his countrymen at that time, and why were not Shakspeare's plays performed upon larger stages, because they were performed at that time upon stages smaller than those of the minor theatres?—I only express that as the wishes of the author.

3899. But no such stage prevailed in those days?—He asks you to piece out his imperfections by your thoughts; in short, it seems a poetical illustration of the subject, and I have given it as it struck me.

3900. What is your own opinion, as that may be more valuable?—My own opinion is, that it would injure the drama very much.

3901. How do you account for the stages being so small in Shakspeare's time, as you stated you consider it to be a demand of Shakspeare's upon his countrymen that his plays should be represented upon large stages?—Yes, it appears to me so.

3902. Then how do you account for his countrymen disobeying his commands in those days, and representing his plays on smaller stages than those of the minor theatres?—For the same reason that Thespis played in a cart. It was in the infancy of the drama, and that was the cause. He would not have written this ode, this splendid prologue, but to account for the imperfection of the theatre. I never witnessed a representation of any of Shakspeare's plays at the minor theatres without sorrow or disappointment.

3903. Do you consider the Haymarket a minor theatre?—No, I do not.

3904. You consider the stage of the Haymarket theatre large enough?—I do not. I do not think I have seen Shakspeare's plays acted at the Haymarket, and certainly I think they are feebly performed compared with Covent Garden or Drury Lane.

3905. Is that the fault of the performers or the stage?—Generally both. Shakspeare's plays are principally tragedies, and Mr. Morris does not engage a tragic company.

3906. Mr. Kean plays there?—Yes, he plays as a star, and Mr. Kean acts there as he does every where, powerfully; but I think you want the pomp, pride and circumstance of tragedy.

3907. You would prefer Mr. Kean on the stage of Covent Garden or Drury Lane to the Haymarket?—I should prefer the whole play there. I have also seen other great plays acted in minor theatres. I will instance a very fine play, the *School for Scandal*. That play contains 16 or 17 characters, and I think they all require a large portion of talent to represent them adequately. I remember seeing the *School for Scandal*, and it appeared to me carelessly done and very imperfectly studied.

3908. You consider it is because there is not a sufficient body of actors at the minor theatres?—Just so.

3909. Suppose there was a sufficient body of actors at the minor theatres, there is no reason why it might not be as well played?—None at all.

3910. Then it would be probable, if men of large capital embarked in the minor theatres, they would engage as large a body of actors, and consequently it would be as well performed?—If you can anticipate that such a large body of talent is to be speculated with, which I doubt.

3911. If persons of sufficient capital were to take the minor theatres, so as to pay the best performers, the drama could be as well performed as it is now at the great theatres?—Certainly, if the theatre was of that reasonable capacity which I advocate.

3912. You say it proceeds in a great measure from the want of actors?—Yes.

3913. What is it you consider chiefly trains an actor to be a good actor; playing in the legitimate drama?—Certainly.

3914. Now there are only two theatres allowed to play the legitimate drama, with the exception of the Haymarket; consequently, if there were more opportunities of playing the legitimate drama the actors would be improved?—It might be; but such is the state of the profession at present they are not to be had; no capital would produce them.

Mr. T. Morton.

12 July 1832.

3915. But suppose there were more opportunities for an actor in playing the legitimate drama, since he is made better by playing the legitimate drama, their acting would be better than it is now?—It might be better; but I think the present taste which governs these minor theatres is extremely injurious to the actors. Formerly, in my earlier days, the country theatres were the school from which the metropolis derived all its actors, and then they certainly acted only the better part of the drama in the country. I remember, in Bath, when the School for Scandal was sure, with a stock company, to produce its ten excellent houses in a season. It was the same in other things.

3916. In fact, you mean to say it is the class of performances existing at the minor theatres which tend to degrade the drama?—Yes.

3917. And if they were to play the legitimate drama, they would not deteriorate the drama so much as they do now?—Not if they were competent for it.

3918. At what period are you speaking to the School for Scandal being exhibited at the Bath theatre?—Thirty years ago.

3919. Do you recollect who was the principal performer there?—Mr. Dimond, and then came Elliston. Edwin came from Bath.

3920. But he left long before that?—Yes, Edwin left it 10 years before that.

3921. Edwin played Sir Peter Teazle, and Bonner played Charles?—I do not recollect.

3922. Do you not recollect the Bath theatre at that time was looked upon as a school for performers? Mrs. Siddons and others appeared there to great advantage, who could make no impression on the London boards?—No, I think that example is very unfortunate, for it is unnecessary to say what impression Mrs. Siddons made on the London boards.

3923. But when she first appeared she made no impression, and went to the Bath theatre?—Because she was not a good actress at that time.

3924. Then did she become a good actress instantly?—No, 14 years elapsed.

3925. Do you mean to say that 14 years elapsed after her failure in London and her re-appearance?—I do not know; but there was a lapse of 14 years after she played in the Runaway, until her appearance in London in Isabella.

3926. What are the other observations you wish to make?—I said I had seen the School for Scandal performed, and I thought very carelessly, and the dialogue very loosely studied. I remember in particular the gentleman who played Moses; he certainly said a great deal more than was set down for him. I do not say he did not show considerable tact in doing so, for he suited himself to the taste of the audience he was playing to; and his jokes about pork and sausages produced a great deal of delight, perhaps when Shakspeare's dialogue fell from him without a titter or hand of applause. There are other plays which I have seen performed with great satisfaction.

3927. That is owing to the low taste of the audience?—Yes.

3928. Do you consider that the large theatres have at all tended to produce that taste in the audience by the production of melo-drama?—I believe the Tale of Mystery was the first melo-drama produced.

3929. Have the great theatres produced pieces equally tending to produce that taste of the public as the minors?—Yes; I consider they have been to blame.

3930. What do you think was the object in granting the patents; to preserve the dignity of the drama?—I think so.

3931. Then if the taste of the public has been deteriorated in the way you state, the dignity of the drama has not been preserved?—I think not.

3932. What other point do you wish to speak upon?—The next point is the necessity of a licenser or some controlling officer, and upon that it has been said it ought to be left open, and things would find their level. I do not think so. I think, on the contrary, the effect would be very injurious indeed to the drama and to the public mind, for so far from finding their level, the very cause of the Licensing Act was that things did not find their level. We know that Fielding's Pasquin was the sole cause of the Licensing Act; and I think any body who reads that play will agree with me that a control becomes absolutely necessary.

3933. Suppose that is true that a licence is necessary by law; do you consider it is better a play should be licensed by one licenser or a licensing board?—I think the less is left to individuals the better.

3934. What particular character or part of that play do you object to?—The political excitement it causes; the licentiousness of its political observations.

3935. What

3935. What has it done that it might not be represented in these days?—I cannot tell from my recollection, but I believe it is a matter of Parliamentary notoriety that that was the cause of the Licensing Act.

3936. "The Golden Rump" is supposed to be the cause?—I formerly read Lord Chesterfield's speech.

3937. In *Pasquin* there is nothing more than what takes place every day; it is an account of the general election?—But the satire on political power is very severe.

3938. Do you mean to say if *Pasquin* was represented now it would raise a great excitement?—I think so; a very great one.

3939. But you cannot point out any passage of that play?—No; that is my impression.

3940. Do you think it is the character of Colonel Promise or Captain Place?—No; but the whole texture of it, the object of it has a political tendency.

3941. As much so as *The Man of the World*?—*The Man of the World* is very political. That passed the licenser with some difficulty; it was originally called *The True Born Scotchman*.

3942. Do you consider the *Beggar's Opera* to be political?—It is covertly so, but not so palpable.

3943. You say the less the licensing power is left to an individual the better?—Yes; I think all power is so situated.

3944. Do you think a Board to license plays would be preferable to one licenser?—Yes; I think the less it is trusted to individual caprice the better.

3945. Have you any other observation to offer?—In further illustration of that, I think it is worth while to remark, I am sure every playgoer would agree with me, there is a tendency in the audience to force passages never meant by the author into political meanings. I think constantly I have observed that; and also we all know that a theatre is a place of peculiar excitement; I think their applause is enthusiastic, and their dislikes very violently expressed. I do not know anything more terrible than an enraged audience.

3946. Then it is chiefly from the necessity of not having violent political allusions rather than indecency or immorality that a licenser would be necessary?—I think so; I think indecency corrects itself. The better taste of the audience will always check that. There are two recent instances to show the danger of a theatre being a place for political discussion. The first I will mention is, the visit His Majesty paid to the theatre soon after his accession to the throne, and when the Revolution of Paris broke out. Immediately it was known His Majesty commanded Massaniello, handbills were printed about the town to induce the public to assemble in the theatre, not to partake with His Majesty in the social enjoyment of the drama, but to teach him, through the story of Massaniello the Fisherman, the danger to his throne if he disobeyed the wish of his people, and the King was advised to change the play in consequence of that. That, I think, is far from the purpose of theatrical exhibition. The other instance was the publication of that infamous bill of fare, which has been alluded to in this room, which was issued by the Coburg.

3947. That was put down immediately after it appeared?—It appeared.

3948. By whom were those handbills circulated?—I do not know.

3949. Was it by the theatre, or by individuals?—No, certainly not by the theatre.

3950. Who were they published by?—I do not know the printer's name. It was a handbill, distributed all over London, to the purport I have mentioned.

3951. That was not the fault of the theatre?—No; on the contrary, the theatre never wishes to be made the arena for political warfare.

3952. No licenser could prevent that?—No; it only shows the tendency of the public in excited times to give it a political feature. A gentleman very high in his profession, M. Talma, told me the original French Revolution made slow progress until the theatres became the arena of its triumphs, and then it spread very rapidly.

3953. You have written several very successful plays?—I have written several.

3954. Do you think it is an advantage to an author to have three or four theatres to take his play, where it might be accepted or refused?—It might be, if they had actors competent to the task.

3955. Or if they had funds competent to remunerate an author?—I do not know whether he would make a sacrifice of his little reputation for the sake of his pocket. That is another question; but I think, as far as my experience goes as a writer and a reader of plays, you would be legislating for only a possible event, for I have never



Mr. T. Morton.

12 July 1832.

in my life known a play put by, which the manager thought well of, or delayed beyond the season.

3956. But the manager may not think well of a good play?—Certainly, human judgment is fallible; but it is his interest to think well of a good play, as the whole success of a season depends perhaps on a piece.

3957. But he is not more infallible than the publishers?—The publishing houses refuse works which afterwards produce a very extraordinary effect.

3958. In your capacity of an author, with respect to the alteration of the law of copyright, do you not think it would be advantageous to authors to have the copyright of their plays secured to them?—I think the law at present is very defective; it is unintelligible and not available.

3959. Do you think a law analogous to that in France would be beneficial to authors?—I think it would. I think I heard the Committee state something respecting a doubt they had about a burletta, that the definition was difficult, and the description very intricate. Would it not be sufficient to ascertain what burlettas were when this Act was passed giving them permission? I presume the Legislature never meant to provide for what had never happened. We know at that time the Act allowed them to play these burlettas, they were invariably pieces in verse, sung in recitative, at Sadler's Wells, Astley's and every other place. We know those which belong to great theatres, such as the Dragon of Wantley, Thomas and Sally, Midas, and those things. That was certainly the only burletta which I have described that was performed at the time that liberty was given to the minor theatres.

3960. That may be received as the definition at that period?—Certainly.

3961. At the same time that is not the way in which the word is construed by the present age?—No, that is my idea of burletta, and I think that is what the Legislature intended to license, and nothing else.

3962. Does it specify anything with regard to the number of acts?—No, I think there may be any number of acts.

3963. But the whole was to be recitative and music from beginning to end?—Yes, and very whimsical things they were sometimes. I remember seeing at the time when The Monster devastated this town, there was one at Astley's, and it began,

“ Who is this Monster, do you know ?

He comes from hell among the fiends below.”

That shows it was exceedingly low that sort of entertainment at that time, which was all, I believe, the Legislature ever meant to grant.

3964. You have quoted a passage from Shakspeare, with a view of proving that Shakspeare would desire his plays to be acted in larger theatres than existed in his time?—That was the object of the quotation.

3965. Is it your opinion that the plays of Shakspeare would appear to greater advantage in larger theatres; that if he had lived in our time, he would have been pleased to have seen them acted in our theatres?—My opinion is, they are acted better in large theatres, and from that, I suppose, he would have thought so too.

3966. To what cause do you attribute there not being larger theatres erected in Shakspeare's time? was it the small size of the town, and the general poverty of the country which prevented those splendid edifices which have arisen in our time?—It was the infancy of the dramatic art, and, like other infancy, it had its cradle and not its temple.

3967. The general state of this metropolis, in short, prevented those splendid edifices which our improvement in wealth has given us?—Yes, they have increased in splendour and magnitude.

3968. Now, with regard to actors, do you think the legitimate drama more likely to be promoted by actors who have exhibited talent in the legitimate drama at provincial theatres, such as Edinburgh, Dublin, Liverpool and Bath, being drawn to the metropolis by their talent and celebrity from those theatres, or do you think the interests of the legitimate drama, meaning Shakspeare, Ben Jonson and the classical writers of the country, would be more promoted by a general opening of theatres to a great extent in this metropolis, to which all pretenders to histrionic fame might aspire?—I think the metropolis demands professors and not pupils.

3969. Then you think the previous education at these provincial theatres, where the dramas of Shakspeare had been always performed, is more likely to be beneficial

to the interests of the drama than an education attempted in the metropolis?—It was so formerly, but I fear now it is not so. I am told at the country theatres (if I may believe the reports of the stars who travel through) the talent is exceedingly humble.

3970. Do you happen to know whether the remuneration afforded to actors at the country theatres is sufficient to induce beginners to attempt there?—I think remuneration is not the object of dramatic heroes. I think it is fame and an enthusiastic admiration of the art.

3971. Then do you think there is such a total failure in the country theatres, and so great a falling off in the talent that used to originate there 30 years ago, that you apprehend any additional theatres in London would produce talent which the country has not produced?—I think it might.

3972. Has it always been the practice, when any talent was exhibited in the country theatres, that talent found a ready market in the great theatres in London?—It is very much courted and sought after.

3973. Was it the practice for the great theatres to send persons to inquire for talent in all parts of the country?—Very eagerly.

3974. So that any real talent which existed was certain to find a reward in the metropolis?—Yes, it has indeed, I think.

3975. Do you think that allowing all pieces to be performed, without any licensing whatever, would be either consistent with the political safety of the country, or with the interests of the drama itself?—I think both would be in great jeopardy by that allowance.

3976. You mentioned the play of *Massaniello*; do you happen to know that the frequent performance of that play at Brussels was the main cause of the revolution which took place at Brussels in 1830?—I never heard that fact.

3977. You conceive, for the morals of society and for the safety of our political institutions, some limit is necessary by the constituted authorities to plays which may be presented to the audience?—Certainly I do; a very guarded one.

3978. How many years have you been, as an author and in other ways, connected with theatres?—Forty.

3979. You have frequently witnessed the effect of particular passages on an audience?—Very often indeed.

3980. In particular moments of excitement they produce very great effect?—Tremendous.

3981. You say that talent is always sought for, and it can find easy access to the London theatres?—I think so.

3982. Do you happen to know that Mr. Henderson found great difficulty in getting any engagement; and if it had not been for his appearing at the Haymarket he probably would not have succeeded?—I do not know that; Mr. Henderson was engaged at the Haymarket more than 40 years ago, which is the extent of my memory.

3983. Perhaps you never read his correspondence with Mr. —?—I never did.

3984. He quarrelled with Mr. Garrick, and stated he kept him back purposely. Do you apprehend Mr. Munden would have got engaged at the theatre if it had not been for the death of Mr. Edwin?—I dare say he would; the only wonder is he was so long away from the theatre.

3985. Do you not apprehend if Edwin had lived Munden could not have got an engagement there?—I do not know that.

3986. Do you not know he was engaged purposely to fill his place?—Where there is a vacancy, they supply it as well as they can.

3987. Do you not happen to know that the particular characters of Edwin he filled he did not succeed in, and he took another line of character, old men?—I saw him play *Jemmy Jumps* 200 times, which was one of the characters of Edwin.

3988. Do you mean he played *Jemmy Jumps* 200 times?—Yes, from beginning to end.

3989. Did you ever see Edwin in *Jemmy Jumps*?—Frequently; but upon this question I know many reasons why great country actors are not engaged.

3990. Do you happen to know how old Mrs. Siddons was when she died?—I do not.

3991. It is 56 years ago since she came out at the Bath theatre, so that she could not have been long from London?—I do not know.

3992. Mr. Dowton says, in his evidence, that Mrs. Siddons said to him, "I am glad to see you at Drury Lane, but you have come to a wilderness of a place to act

Mr. T. Morton.

12 July 1832.

Mr. T. Morton.

12 July 1832.

in; and God knows, if I had not made my reputation in small theatres, I never should have made it here; but the public give me credit for what they saw me do and heard me say at a small theatre?"—I think that is an odd speech.

3993. Her opinion was, that if she had not made her reputation at a small theatre previously, she would never have succeeded there?—I rather think, for I have spoken to Mrs. Siddons on the subject, it was, that if she had not made her reputation in the small Drury Lane theatre, she never would have got it in the large one.

3994. Then you mean to say she had not made her reputation at Bath before she came to Drury Lane?—In coming to a fresh audience, she must make a reputation before that audience.

3995. Do you not know she had played Isabella and other characters at the Bath theatre, and excited the greatest admiration?—Yes.

3996. Then she had made her reputation at a small theatre before she came to a large one?—She had made her reputation there certainly.

3997. At old Drury Lane she could not make her reputation when she first appeared; she was dismissed?—Yes, because she did not act so well, and had not those characters which were her forte. She appeared in the Runaway, which is a comic character, a sentimental lady.

3998. If she played in the Runaway it must have been immediately before she went to Bath, as it came out somewhere about 1774 or 1775, and Mrs. Siddons played in that, and in 1776 or 1777 she played in Bath, and two or three years after she came to London, so that she must instantly have made an impression there after having failed on the London boards?—I am not aware of that fact.

3999. Do you consider that dramatic literary talent is generally low at this time?—Certainly.

4000. You have said the talents of actors throughout the country generally is low?—Very low.

4001. You say such talent as may be found throughout the country is certain to receive attention at the metropolitan theatres, but there is so very little; so that if the monopoly should be continued to the great houses it would not be upon the ground of its having produced great talent in writing, and great talent in acting?—The talent in writing is very humble at present.

4002. It would not be upon the ground of the great talent which they had produced in dramatic writing; if we were to continue the monopoly of the great houses, it would not be on the ground of the great dramatic talent existing at present, or great talent in acting?—No, not on that ground.

4003. Then on what ground should you say it should be; would you say it should be on the ground of good faith to those who have embarked their money on the faith of those agreements with the two theatres?—I think that is a very substantial argument.

4004. Do you think there is any other argument?—I stated before, that in the present state of the minor theatres they are inadequate to the performance of the drama.

4005. You observed just now, in reply to a question, that you considered a licenser necessary, both for the preservation of morality and for the preservation of our political institutions, but at the same time you stated before it was not on the score of morality, because that would cure itself?—No, it is on the score of politics.

4006. You wish then to correct that observation?—Yes.

4007. In point of fact, do you, in your long experience, know of any dramatic composition of great talent which has not ultimately found its way before the public at one or other of the great theatres?—I have not ventured to say that. I must repeat what I said before; there is a great desire in the managers to obtain the best literary compositions, and also a great desire to obtain the best actors.

4008. Did you ever know of any very celebrated performer in the country who did not ultimately find his or her way to the theatres of the metropolis?—There are many reasons why a good actor should not be engaged at the theatres. In the first place, men make a very false estimate of their talents. Nothing is so common as for actors and managers to differ simply upon the remuneration. The actor puts his estimate upon his talents, and the manager puts his, and the consequence is, if they differ, that man is not engaged. There is another reason; some men, though eminent in a few characters, are not generally useful. Mr. Kean, for instance: If Mr. Kean had the power of impressing upon his memory a new character he would be double and treble the value he is now. I know an instance:

Mr.

Mr. Macklin played but three characters, Shylock, Sir Pertinax Maesycophant, and Sir Archie Macsarcasm. Luckily for Mr. Macklin his talents were such that he had an individual attraction; if that had not been the case, Mr. Macklin must have starved. Then there is another reason which does not appear before the public, but which is extremely important in a theatre, which is, the temporary inability of the performer. It is astonishing to those who are intimate with the Green-room to know what a baleful influence a bad and malignant spirit and a mischievous temper has in a theatre; and that is the reason why many eminent performers have not been engaged, together with the other circumstances. These reasons may account why many performers of talent are not engaged at the theatres royal.

4009. Do you know any instance within the last 15 or 20 years in which a person of celebrity at the country theatres has been refused access to the theatre to try the opinion of a London audience upon their talents?—I am not acquainted sufficiently with the provincial drama to answer that question.

4010. Have you ever heard of such a case?—Mr. Cooke was held back a long time.

4011. Within the last 15 or 20 years, do you know of any talent of great celebrity in the provinces which has not found its way to a trial on the London boards?—Of my own knowledge, I do not.

4012. In point of fact, have not the great theatres made great sacrifices in giving enormous and exorbitant remunerations to favourite actors?—Very large salaries indeed.

4013. Is it not an inference from that, that having given these salaries, and made great sacrifices for celebrated actors who have made their reputation in town, that they would necessarily have given celebrated actors in the country from whom they could expect success adequate salaries?—I stated before they made eager search for talent.

4014-15. Have not the minor theatres given adequate salaries?—I do not know.

4016. Suppose Miss Kelly was refused an engagement at the large theatres, would it not be hard that she should not be able to go to a minor theatre?—If her terms were reasonable.

4017. It is a proof her terms were reasonable, because she is engaged at the Lyceum?—I do not presume to say why Miss Kelly is not engaged at the large theatres.

4018. You mentioned her as an instance?—Yes; I mentioned also Mr. Kean and Mr. Dowton; but I stated there were three ways of accounting why a good actor or actress might not be engaged at the theatre.

4019. Do you not know it was a complaint among theatrical persons, that while the Kemble family kept such complete possession of the stage, country talent was excluded?—I never heard that.

4020. Do you apprehend if Mr. Cooke had applied to Drury Lane, at the time Mr. Kemble was there, to play Hamlet or Richard, or others of those characters, that he could have got an engagement?—That I do not know; Mr. Kemble was not always manager at Drury Lane.

4021. But you know they had always great influence?—I dare say they had.

Mr. William Moore, called in; and Examined.

4022. YOU wish to be examined upon this subject?—It was the request of Mr. Harris I should be examined by this Committee. Mr. William Moore.

4023. What connexion have you with Covent Garden theatre?—I am a trustee to Mr. Harris, who holds seven-twelfths of the theatre.

4024. What statement do you wish to make respecting the theatre?—I wish to make a statement with respect to the sums which have been advanced on the security of the patent of Covent Garden theatre, which I would prefer making to the Committee alone, and not in public.

4025. Is it the private affairs of Mr. Harris?—It is merely the extent of the incumbrances, the amount of the different sums that have been advanced on the security of the patents of Covent Garden theatre.

4026. That had better be given in his original statement, if Mr. Harris wishes to make a statement?—He thinks it is essential the Committee should be acquainted with the sums advanced by different people on his seven-twelfths of the theatre, in order that the Committee may feel the confidence that has been placed in the title of the patent of Covent Garden theatre.

Mr. William Moore.

12 July 1832.

4027. What value do you put upon the theatre?—I do not feel competent to answer that question. I can only give an idea of the value from the sums that have been advanced by different parties.

4028. Do you know what the aggregate amount of the money advanced is?—Yes, I do; 65,500*l.* has been advanced to Mr. Harris and his father at different times by different people, on the faith of the patents of Covent Garden theatre; the title, when monies have been advanced, has been referred to from time to time, and has been found completely satisfactory, so as to induce parties to advance money to that extent.

4029. Do you think those sums would have been advanced if Mr. Harris had not conceived he possessed exclusive privileges by the patent?—These sums would not have been advanced if it had not been presumed the patent rendered the theatre valuable, which would have been of no value if it had not been for the patent.

4030. Does not Mr. Harris claim compensation if the patent is done away with?—I do not know what I can say as to his claiming compensation, but he respectfully submits it to you.

4031. If you would send in any statement it would be at the option of the Committee to examine you upon that statement. Does the whole of that 65,500*l.* remain upon the theatre?—Yes, in addition to the rental and seven-twelfths of 90,000*l.*, for that is what he has personally raised on the security of the patent.

4032. Have you ever looked into the patent rights of the great theatres, or have you studied them?—No, I cannot say I have studied them, but I know as much as the proprietors know, I believe. I have been 25 years intimately acquainted with Mr. Harris; I am his trustee, and all his affairs are conducted by me in this country; the security has been submitted to the different parties advancing the money, and they have thought it a sufficient security, and have advanced the money accordingly.

4033. Do you think that if the properties in Covent Garden and Drury Lane were placed before the public in the shape of a lottery, the public would subscribe for them?—I am afraid of that; there are perhaps gentlemen more competent to judge than I am, the lottery-office keepers. The incumbrance upon Covent Garden is 267,000*l.*

4034. Have you any plan to submit which you think would restore prosperity to the great theatres, or stop the ruin?—If it was left to me, and the present arrangement was one of my own, I think it is the most likely way if it was permitted to remain, that is, to pay off all the incumbrances upon Covent Garden theatre, upon the terms they are now acting on.

4035. That is letting the theatre?—Letting the theatre, to preserve a certain annual income, and apply that income to the liquidation of the debts.

4036. You have let it to Mr. Laporte?—Yes.

4037. Have you let him the whole of the theatre?—With the exception of 11 boxes and two-thirds, which he has not got, as they are already disposed of. In addition to the sums I spoke of, monies have been raised upon them, the Duke of Devonshire's box, Lord Spencer's, the Duchess of St. Alban's and others, in addition to those sums.

4038. Do you know what the whole amount of the incumbrances upon that theatre is?—I think it is 265,000*l.*, and these 11 boxes and two-thirds, in addition to that 265,000*l.*; these 11 boxes, which are let to different noblemen, which are of great value also.

4039. Do you know at all what the average income of the theatre is, what it has been for the last three or four years?—No.

4040. You have been a frequenter of the theatre for many years; for how many years?—For 30, intimately acquainted with Mr. Harris, and that has drawn me into that way.

4041. What do you think would be the effect of allowing all plays to be performed without licence, to contain every thing which the writer may please to put down, political allusions, or, in short, every thing at his discretion; what, in your opinion, would be the effect of that, when there should be no limit to indecency of language or political allusions in those performances?—I think it would have a bad effect upon the morals of the frequenters of the theatre, and a bad effect generally; for when minor theatres failed in decent exhibitions, they would resort to indecent exhibitions. You could not have a stronger proof of that than at the Coburg lately.

4042. Have



4042. Have you ever witnessed any particular excitement in the audience at particular moments?—Yes, very great. Mr. William Moor

4043. Passages very much seized on by the audience?—Yes, sentences which have been uttered in old plays have been taken up at the time they were performing, which neither the proprietors nor the actors thought of till the audience caught at them. 12 July 1832.

4044. What sort of excitement was that?—Violent excitement or enthusiasm; that sort of excitement which you may imagine from several thousand persons expressing a warm feeling at once.

4045. Do you think any power of licensing would prevent the people expressing their opinions, and making their application of passages in old plays?—Certainly not.

4046. Have you observed in later years that the audience have occasionally expressed their disapprobation of immoral passages in plays?—Yes, invariably.

4047. That accounts for what we understood to be the practice; namely, striking out a number of immoral passages from old plays?—Yes; if they were to act old plays without that they could not get an audience.

4048. Is that sense of decency very much manifested by audiences of the present time?—Yes, very much.

4049. Then may we not imagine from the improved morals of the public, that on that score the necessity of having a guardian of the morals of the theatre in the Lord Chamberlain may be dispensed with, and it may be supposed to be sufficiently guarded by the good feelings of the audiences generally?—Perhaps not sufficiently, but frequently. Very often managers and actors would attempt (as I have known instances of that) to use indecent expressions, and if it succeeded, very well; it was a very good joke; but if it did not, and it has seldom succeeded, it was not repeated. I have known experiments of that kind, but the thing has generally failed.

4050. They are very dangerous experiments?—Yes, very dangerous; if it succeeded it was a good joke and was repeated, but it seldom or ever succeeded.

4051. Then the necessity for a licenser, in your opinion, must chiefly if not altogether arise, in the present state of society, from your apprehension of the political feelings of the audience?—Yes, and improper things. Authors will introduce improper things into their plays, and will feel much hurt at the licenser striking them out, which any moral man will think ought not to be in.

4052. You say Mr. Harris has been advanced 65,500 *l.*?—Yes; the public, or different people, have advanced to the estate of Mr. Harris 65,500 *l.* on the security of Covent Garden theatre, upon his seven-twelfths, which would not have been advanced was it not that the title was good, and the property was secure.

4053. Have you advanced any part of the 65,500 *l.*?—Yes, I have.

4054. What portion of it?—(*No answer.*)

4055. Have you observed that the theatre has been less frequented of late years than it was formerly?—Yes; within the last 10 years the average returns of Covent Garden theatre was 53,000 *l.* or 54,000 *l.*, and in 10 years before that 83,000 *l.* or 84,000 *l.*, a difference of 30,000 *l.*

4056. To what do you attribute that?—I have not sufficiently studied the thing; but I consider the minor theatres have done them dreadful mischief, and I attribute it to the minor theatres more than to any other cause.

4057. Do you not suppose the religious feeling, and the difference of hours in the fashionable world have been great causes of the falling off?—It is a cause, but not the great cause. I consider it is the minor theatres more than anything, for 10 years ago the hours were much the same, or 12 or 15 years ago, and yet the theatres were successful.

4058. Do you think the extension of the privilege of acting the legitimate drama to the minor theatres would do the least harm?—Yes.

4059. We find it in the evidence it is not those plays which fill the minor theatres the most; are you not aware of that?—If they are badly done they will not, but if they are well done they will. They play at the Adelphi a perfect drama, as you have said, and they have filled the Adelphi and ruined Covent Garden.

4060. Are you speaking of the legitimate drama?—Yes, of *The Wreck Ashore*, and other pieces, which have done as much injury as the legitimate drama could.

4061. You would then restrict them to burlettas?—I think the patent theatres would naturally wish to restrict them to burlettas, because the present system does them great injury; there are many pieces played at the Adelphi as perfect as they could play them anywhere.

Mr. William Moore.

12 July 1832.

4062. You attribute the falling off in the prosperity of Drury Lane and Covent Garden to the improvement in the performances in the minor theatres, and the deterioration in the performances of the larger theatres?—I do not say deterioration at the large theatres; but the performances at the minor theatres are certainly improved.

4063. Do you not conceive the performances, take them as a whole, are inferior at the large theatres to what they were some years ago?—The company at Covent Garden theatre in the year 1822 was the most perfect perhaps that was ever exhibited since we had a stage in England, and I take my judgment from a remark of old Mr. Harris, who is now dead; I sat with him when he was seeing one of Shakspeare's plays, and he made the same remark; and if you go over the performers who were at Covent Garden ten years ago, I think you will see they had the best set of performers that were ever seen in England.

4064. Do you not conceive, if the patent theatres were smaller than they are now, they would be attended by a greater number of persons than they are at present?—I think not. Mr. Elliston altered Drury Lane, as it was thought too large, but it has done the theatre no good, the receipts are not better than they were before.

4065. What sort of performances have they produced at Drury Lane since that time? How many great tragedies or comedies have they produced at Drury Lane?—I am not competent to enter into minutiae, but I take it upon the broad scale. I say there was a theatre which was said to be on too large a scale, and it was altered at the expense of 3,000*l.*, and has failed.

4066. Do you, in point of fact, know that in the case of the same play being performed at a large theatre and in a small theatre by the same performers, every part being filled by precisely the same persons, the receipt in the small theatre was infinitely less in proportion than the receipt at the large theatre?—Yes, certainly.

4067. You have known that?—Yes, over and over again. They performed a play at the Opera House to 600*l.*, and the same company then crossed over the way to the little theatre and performed the same play, and there was only two-thirds of that.

4068. Do you not think you have stated a sufficient reason for the falling off of the receipts from the nature of the company, you having stated that in 1822 there was a good company, and at present there is not?—I do not mean to say there is not a good company now, but the company is not equal to that of 1822; 1822 perhaps was the richest company the theatre ever produced.

4069. Then was not the prosperity of the theatre owing to the company, and if so, the adversity is not attributable to the minor theatres, because there is a falling off in the company?—I think it is attributable to the minor theatres in the greatest degree; the greatest evil of the patent theatres is the minor theatres. I do not speak selfishly, for I do not wish Mr. Harris better than I wish Mr. Yates. I think there is the greatest merit attached to the directors of the Adelphi; but from all I have seen it has done injury to the patent theatres.

4070. Do you not think if I could get as good a company in the patent theatres as they had in 1822, that Drury Lane and Covent Garden would attract as much as they did at that time?—No, I do not think so; for they have the Adelphi, and Madame Vestris at the Olympic, which are powerful attractions, against them, which they had not at that time.

Mr. James Kenney, called in; and Examined.

Mr. James Kenney.

4071. YOU are the author of various plays?—I am.

4072. What successful plays have you been the author of?—Latterly I have written *Massaniello*, the farce of the *Illustrious Stranger*, the comedy of *Spring and Autumn*; at the Haymarket, *Sweethearts and Wives*; and before that, *Raising the Wind*, and *Love, Law and Physic*.

4073. You are the author of *Massaniello*?—Yes.

4074. How many nights was *Massaniello* played?—I apprehend it must now have exceeded 150 nights.

4075. At what theatre?—At Drury Lane.

4076. What have you received for it?—Nothing.

4077. Did you make an agreement to receive anything?—Yes; but I made an agreement with the lessee for the time being, Mr. Price, that I was to be paid a certain sum, which was arranged at 50*l.* every third night the piece was acted, up to the 24th.

4078. That

Mr. James Kenney.

12 July 1832.

4078. That engagement was not fulfilled?—No.

4079. Had you not a remedy by law?—It happened at the expiration of the season in which Massaniello came out; it came out in the month of May in one season, and at the expiration of that season, or rather in the middle of the next, the lessee became a bankrupt, and the treasury was taken possession of by the committee in trust for the theatre, who managed conjointly with Mr. Price for several weeks or months; in fact, till the termination of that season. My application to the treasurer was answered by a promise on his part to submit my case to the committee, and to demand on my behalf the 300*l.* that was due to me. Their answer was, they had nothing to do with it. They were then continuing to play the piece every third or fourth night through the whole season or nearly. Their answer was, they had nothing to do with it; it was the debt of their lessee, and they were not responsible for it, nor could they pay it, nor any part of it.

4080. What sum do you think Drury Lane has received by the representation of Massaniello?—It is very difficult to compute; but I apprehend from its having been played so often, and its being still played so constantly when the theatre is open, that the profit must have been very great indeed.

4081. You have heard it stated that this piece has rather a revolutionary tendency; do you consider it as such?—No, I apprehend quite the contrary. I was rather fearful it might be considered a Tory play, for it has a Tory moral decidedly; and during the revolution in France, the fifth act was suppressed on account of its having that sort of moral. It was deemed a satire on the mob, and hence the fifth act was suppressed during the late revolution in France. But, however, there is no question, if I may be allowed the expression, that it has a Tory moral. The revolutionary fisherman is humiliated, and a lesson is taught very opposite to a revolutionary one.

4082. So far as you are concerned, as an author, do you think there ought to be some considerable alteration in the laws affecting dramatic copyright?—Indeed I apprehend so; for I can only say, having met with the greatest success for years past, indeed having had a most brilliant success, what remained for me afterwards was most bitter and most humiliating; I had to go from week to week to demand the small sum of 10*l.* in remuneration for my productions; and when I say it was bitter, it was bitter also with respect to the two treasurers, who I know suffered as much in seeing me enter the treasury as I did myself. I can say I am overwhelmed with these humiliations and injustice.

4083. Do you see any prospect of being remunerated for that piece hereafter?—Indeed none; except that I am told a case of partnership might be decidedly established on the part of the committee. Mr. Calcraft was there frequently, and although he was not manager, he attended as chairman of the committee; he attended at the rehearsals, and often addressed me as if he was concerned in the management of the theatre on behalf of the committee; and I am advised that, in the Court of Chancery, which no poor man like me can venture into, I might have redress, but that is the only choice I have. I can only say the piece, after the refusal of my claim, has been acted oftener than it was before, as the principal support of the theatre, and was afterwards handed over, as I have stated in the preface to a subsequent production, to the present lessee, as the lawful property of the theatre, upon some custom, that when a piece is once played in the theatre they shall have a right to continue the representation.

4084. Have you submitted *The Pledge* to any theatre?—The *Pledge* was acted at Drury Lane; but I apprehend there was nothing which affects the great question in that, although I had many complaints, but that was against the particular management.

4085. Does Drury Lane claim the exclusive privilege of performing that piece?—Not now; it would be open to Covent Garden to perform it now, because it has recently been published. I withheld it in the hope that it might be of advantage to me; that something might be done in the way that this Committee are kindly endeavouring to do, and that the copyright might be of some value to me.

4086. As a literary man, who have turned your attention to the drama generally, had you any feeling previous to the performance of Massaniello, that it would be advantageous to the drama that the legitimate drama should be performed at other theatres besides the great ones?—Why I thought, to speak generally, that an increased and extended population required it; and the public should no more be required to come from Mile End, or the extremities of this extending city, to two theatres, more than to two churches.

Mr. James Kenney.

12 July 1832.

4087. Do you think the drama would be deteriorated at all?—It is not a question I have considered much, but I do not think it would. I think if smaller theatres on a moderate scale were sanctioned by the law, so that they might engage such companies as would be adequate to the representation of the legitimate drama, it would be for its advantage. I know it is an every day observation that the theatres are too large, and many pieces have produced the most excellent effect, and had great success at the Haymarket which would have had no chance at the larger theatres. Perhaps I may be allowed to make another observation with reference to the larger theatres. I think their prosperity has been in a great measure overwhelmed by the necessity of keeping a company of every description; an expensive operatic company, a company for melo-drama, for pantomime, and for tragedy and comedy; whereas the effect of an extended taste for the drama seems to be to classify theatres, so that each theatre might have an establishment at less expense.

4088. Have you any other general observation to offer?—No; I came here merely to satisfy the Committee on any points on which they might be desirous of questioning me, and I confess I am strongly interested that our case should be amended in some shape. I have experienced a good deal of liberality from the proprietors of both the winter theatres, and I should be very sorry to be supposed to betray any hostility to them.

4089. Supposing no play could be acted at any theatre without the permission of the author, and the law provided for that, then your play would not have been thus performed without your consent?—No, certainly; if there was a law by which we were entitled to stop the representation of our plays, or to withdraw them, or take them to another theatre; or if we were entitled to demand our money at the week's end, like an actor, it would be a different matter.

4090. Have you anything to offer respecting the law of copyright?—I have not considered it sufficiently.

4091. That is the feeling with regard to dramatic writers generally?—Certainly, I believe we are of one mind upon that subject. The large salaries which are now paid to actors, are pleaded as a cause for their not paying authors; and they are certainly more than double since the time of the production of the *School for Scandal*, and such comedies as *Speed the Plough*, *John Bull*, and other things which have been exceedingly profitable. At that time the salaries of the best performers did not exceed 15*l.* a week, now that sum is thought trifling for a night's performance. They will be paid at the week's end.

4092. Are there any sums due to you from Covent Garden for any piece they have played?—Yes, there is a small sum for the *Irish Ambassador*, about half of the stipulated profits.

4093. Do you see any prospect of getting that?—I am in a state of uncertainty upon the subject. The last time I applied I asked for a small instalment of 10*l.*, which I am sorry to confess was an object to me. It was pleaded to me on account of an anterior arrangement, by which the receipts had been put into the hands of the actors; some authors had been provided for, but not I. Miss Kemble received all her money for *Francis the First*, a very meritorious play, and certainly deserving of all she obtained for it; but I thought there was no reason why I should not be paid as well as those who came six months after me.

4094. Did the *Irish Ambassador* bring much money into the treasury of Covent Garden?—It was played nearly 30 nights successively.

4095. What was your stipulation with the theatre for that piece?—I was to have had at the utmost 125*l.*; that is, having taken it there with the explanation that it had been offered to Mr. Price, who, because he had no Irishman, could not venture to act it, I allowed them to take it on much less terms than I had been accustomed to receive.

4096. Then you only received half of 125*l.*?—I have not received half; there is still 75*l.* due to me.

4097. I think you say the interest of the drama would be promoted if the performances were classified at particular theatres, by which you mean that the performance of opera, tragedy, comedy and pantomime at one theatre creates great expense to the theatre?—Very great expense; and when it happens that the principal attraction of the season has been an opera or a tragedy, the rest of the company have been a redundancy; they have had sinecures.

4098. Do you think it would be to the advantage of the public if the performance of tragedy and comedy was limited to a certain number of theatres, and vaudevilles and *pièces de circonstance* were to be performed at other theatres; in short,



short, that sort of classification to which you have alluded?—I should anticipate some ill consequence from its being absolutely thrown open without a control of some sort. I think that the claims for licences should be investigated, and a case should be made out before a licence is granted.

Mr. James Kenney.

12 July 1832.

4099. If the thing is thrown perfectly open, do you or do you not think the interests of the drama would be very much deteriorated?—It is a question I can hardly answer off-hand.

4100. I ask you as an author, if there were 10 or 12 theatres?—I am afraid, if it was thrown absolutely open without a control of some sort, and without an investigation of the claims of the particular persons applying for licences, and as to the sufficiency of the theatres, it would be attended with bad effects. It is such a tempting opportunity that I am afraid it would be very ruinous, and we might be as badly off for our money as we are now in certain cases.

4101. Do you not think if there were a great many theatres performing the legitimate drama, the consequence would be that there must be a great number of inferior actors?—A great number certainly.

4102. Now, supposing you were to write a play of the same talent you have exhibited in writing plays, would not a great many of the points which are produced by the acting be lost, in consequence of the deficiency of the performers?—I think it would operate two ways, that if there would be a necessity for employing a great deal of inferior talent, it would, from the very great competition, elicit more genuine talent.

4103. With reference to your feeling as an author as to the effect upon your productions, how would you feel with reference to a play you might write with the same talent you have exhibited, would you feel the same confidence of its producing that effect upon the public at those small theatres that your efforts have produced when represented at the great theatres with that abundance of good actors to represent your plays?—Judging from the probation in France, I should say no, for there is no doubt that talent is in a much more prosperous state there, and there is much more of it.

4104. Does not the classification exist in France?—Yes.

4105. Then do you attribute the quantum of talent to the classification?—Yes, and I think they would all prosper better. I think if the interests of all the proprietors were compromised, an indemnity might be given to those who were disposed to give up their rights.

4106. You think that liberty might be given to perform the legitimate drama at every theatre, without prejudice to the public taste, and to authors and the drama itself?—I do not know that it would be prejudicial to authors. I think the other would be the best plan; I think that throwing it open would be attended with very evil consequences.

4107. Would you not rather have five markets to take your pieces to than one?—I would, if those markets were not all bad ones; but it is much to be apprehended that they would be so if the thing were thrown open, as many men would be glad, builders and others, to set any one going. It is such a tempting speculation, much more so than a commercial adventure.

4108. Are not the disbursements of a theatre all ready money?—Oh dear, no, tradesmen give very long credit.

4109. The salaries of the actors, and the current expenses are all weekly?—As far as relates to the actors and the officers of the theatre, they are all paid weekly.

4110. Then it is a more difficult enterprise to enter into without a certain capital than the generality of commercial speculations?—Certainly, it requires a great deal of experience, and I believe the lessee system, by letting in a great deal of inexperience, has been injurious to the interests of the drama.

4111. With respect to certain immoral and political passages in plays, which have been alluded to by different witnesses, do you suppose the taste of the audience would be a sufficient guard against immoral and improper passages being introduced, without a licenser?—I think there still exists a power for a licenser to wait the event of pieces, and pieces that have been licensed have been suspended in times of excitement, such as *Venice Preserved* and *King Lear*, during the insanity of the late King, and as happened with many plays. It is in the power of the licenser; he could suspend *Massaniello* when it has a mischievous tendency. I believe the immorality of the thing corrects itself.

4112. You think the immorality corrects itself?—I should think so. I remember Mr. Colman writing me a very good-humoured letter upon the subject relative to



Mr. James Kenney.

12 July 1832.

some scene which he thought a little too free, and he said, "Depend upon it, if I do not cut it out, the audience will cut it out for me." I expressed my acquiescence, and said, if any actor or manager had expressed the same thing I would cheerfully have expunged it.

4113. You conceive the real ground to be depended on for the necessity of a licenser, is with reference to the political allusions which may act upon the feelings or passions of an audience?—Yes, and I think the personal opinions of a licenser may be very injurious in that respect.

4114. You think if a licenser is necessary from political allusions, or any other cause, if the licence was granted by a greater number than one, it would be advantageous?—Yes, I think there should be a greater number; it might be read in general by an individual without injury, but in case a difficulty was felt I think it should be submitted to several.

4115. Do you think it would be to the interest of authors if the legitimate drama was allowed to be played at more theatres than at present?—(No answer.)

4116. You said, if the thing were thrown open entirely it might produce a great deal of dangerous speculation?—Yes.

4117. Supposing a very large number of persons were desirous that a theatre should be erected or licensed, and were to apply to the Lord Chamberlain to license it, and the Lord Chamberlain was obliged to license the house, do you think it might safely be trusted to that large number of persons, all householders, to ascertain whether or not a theatre ought to be licensed?—Certainly. I think a limited extension of them would be of great advantage.

4118. There are three points of view in which this is to be considered: first, with reference to the public. You have said you considered it desirable that the theatres should be so situated that the public might be able to attend them without going to a particular part of the town to see a play?—Yes, without going to a great distance; I think that is hard.

4119. That is your opinion as far as the public is concerned?—Certainly.

4120. Then as regards actors: you say, though it might produce a subsistence for inferior talent, if the legitimate drama was performed at several theatres, it might be a nursery for good actors?—Certainly. I think the old established theatres would have a great advantage over any new ones.

4121. But you think it would be a nursery for good actors?—Certainly.

4122. Would it be advantageous or disadvantageous on the whole to the art of acting?—I should say advantageous generally.

4123. Then as regards authors: do you think that it would be advantageous or disadvantageous to authors to have several theatres where the drama is allowed?—I do think so.

4124. You think it would be advantageous?—I do, certainly.

4125. Then with regard to the classification of theatres: you think it would be advantageous that plays should be classified?—Yes.

4126. Do you think if there was no law to impose a classification it might be trusted to the interests of managers to fall into that classification?—Yes, as in the case of Mr. Arnold, whose licence is for English operas, which he has been able to produce, and do a great deal of honour to the musical genius of the country, and exhibit musical talent in general on a larger scale than if he had a larger general company.

4127. Then would you impose it as a condition of the licence that they should only perform a certain class of representations, or would you leave the classification to them as to which they found the most attractive to the public?—That might be a question, otherwise there would be no classification at all, if the law did not sanction it.

4128. You do not think the manager would only perform that sort of play which he found most attractive to the public?—I think he would.

4129. Then if he would it would not be necessary to impose any particular regulation in the licence?—I do not know that it would.

4130. The interest of managers, if they were enlightened and experienced, would lead them to do that?—Yes, as in the case of the Adelphi, where they would not attempt to play a regular tragedy or a classic comedy.

4131. Then, being advantageous to authors to have the legitimate drama performed at several theatres, and advantageous to the public to see whether they like it, there is no objection to allowing the legitimate drama to be performed at the small

small theatres?—No. I should beg to observe, that authors have already felt the advantage of the extension of the theatres. Some of the most respectable talent of the day have written with success for Madame Vestris, and have been very handsomely remunerated; and she has done me the honour to make similar applications to me. A great deal of our best talent has contributed to the performances at the Adelphi with great advantage.

Mr. James Kenney.

12 July 1832.

4132. Do you think a successful minor theatre would be always able to give authors a fair remuneration?—Certainly. I think there is every chance that both these theatres are likely for a long time to pay authors exceedingly well.

4133. Do you think the remuneration that is given by the minor theatres for trifling pieces, such as French vaudevilles and *pièces de circonstance*, does in point of fact diminish the number of productions in the regular drama, tragedy and comedy, and so on. If there is a large remuneration given by the minor theatres for these trifling pieces, does not that diminish the demand for and the encouragement to write in the higher class of the drama?—I apprehend that talent is produced by a demand for it in every way, and where the talent of the performers at a theatre is particularly eminent in one branch, authors will naturally lean that way, as during the time of Miss O'Neil and Mr. Kean there were many successful new tragedies; and when the comic companies of Drury Lane and Covent Garden were very brilliant, authors wrote comedies also. Now at present the talent seems to be the other way. You get these vaudevilles more satisfactorily represented upon the whole than the regular drama, and therefore authors incline that way.

4134. Is it not much easier to write a vaudeville for a small theatre than to write a regular drama?—Certainly.

4135. But the remuneration is as considerable for a vaudeville?—Yes, in proportion to the quality.

4136. Then the remuneration being as considerable, and the task easier, does it not lead the authors into that line rather than into the regular drama?—No. I have no hesitation in saying that the feelings of authors will lean the other way, that their inclination will always be to produce what is honourable to their talents.

4137. But they are withdrawn from that by the small theatres, in order to produce what is profitable?—It is only profitable in its proportion. It is not profitable out of the proportion to its inferior quality.

4138. Although there would be more honour in producing a drama of the higher class, there is more profit in producing these trifling things?—Yes, because authors are not paid at all, or they have so much difficulty, owing to the unprosperous state of the patent theatres, that their labour is threefold what it would be in going into a theatre where the remuneration is put on a certain and respectable footing; that is the reason, and that would be my great temptation to go to a minor theatre, and perhaps my sole temptation.

4139. Then the effect of these small theatres has in fact been to produce from all the talent those trifles of the day?—Yes, as all writers must make a beginning; it is a nursery for authors as it is for actors. Mr. Jerrold, who made so successful an experiment at Drury Lane, first wrote for them.

4140. With respect to you and other authors whose fame is established, do you find it more profitable to write for the minor theatres than to write a regular drama, under the circumstances in which the drama is placed by the patent theatres?—If they were paid on the score I have always been paid, or which my agreements have stated I should be paid at the patent theatres, there would be no comparison that my advantage would be to go to them decidedly; it is only on the account I stated, that although the remuneration be more moderate, yet it is satisfactory and is forthcoming. I believe that is so both with Madame Vestris and the Adelphi.

4141. But the taste of the public causes a better remuneration to be given to these trifles than the regular drama, as the matter now stands?—A certain remuneration is given. I dare say there are many gentlemen who are in this room who have no complaint against the patent theatres; perhaps my case is individual, and I should be sorry this Committee should be influenced by my complaints; there are several gentlemen who have been paid every shilling at the patent theatres with less trouble than I have; I only say the difficulty they are in, and the notoriety that they are in an unprosperous state, renders it a painful office to go for your money, and on that account I think it would be more advantageous to go to a minor theatre.

4142. When you gave the Irish Ambassador to Covent Garden theatre, was there no arrangement; were you not given to understand there was a risk as to payment?—

Mr. James Kenney.

12 July 1832.

payment?—My arrangement with Mr. Bartley by letter was, that if the piece succeeded decidedly, I should have 100 guineas, without reference to its run, and if it was acted 20 nights, I should have 25*l.* more. Mr. Bartley said, “Nothing succeeds now, and nothing will succeed; we have a great respect for your farce, but we cannot flatter ourselves it will be more successful than anything else.” I said to Mr. Bartley, “I shall consider the circumstances of the theatre, and if it is not successful, you shall have every fair indulgence from me;” but I said, “If it disappoints you in that respect, you will consider that, I am sure.” The answer was, “Certainly we will.” Now it was stated to me in most unequivocal terms, that the piece had been most unexpectedly successful. Mr. Bartley came to me on the 9th night, when it was acted with Hamlet, and said, “We had 90*l.* for the first account in our pit, a thing we had not seen since the first night of Hamlet this season.” In fact, to speak plainly, from its success, I considered my case altogether altered, and more so when I found an arrangement had been made by which all the recent productions had been preferred; and then I wrote to Mr. Bartley, to state that any understanding as to my indulging the theatre must be at an end, when the whole sum was given to the proprietor's daughter for her play. I said, “Had you not better have called me in to be a party to such an arrangement?”

4143. You mean to say, if you had been a proprietor's son you would have got your money?—I mean merely to state, when this arrangement was made, Miss Kemble's play was in rehearsal, and announced for a given day, and the proposal to remunerate authors who came in after that was made by Mr. Bartley, the acting manager. If Mr. Robertson, the treasurer, was examined, I apprehend he would confirm my statement, that the piece, contrary to Mr. Bartley's expectation, was decidedly productive and successful. I merely state the fact.

Mr. Edward William Elton, called in; and Examined.

Mr. E. W. Elton.

4144. YOU are an actor at the minor theatres?—Yes.

4145. Do you consider there is any peculiar hardship in the present law as relates to actors generally?—I do. I consider the hardship is very great, and I considered so before I was an actor at the minor theatres.

4146. In what respect?—I have been an actor in a London minor theatre scarcely more than 12 months.

4147. At what theatre?—At the Surrey principally; a short portion of time before that at the Garrick theatre, at the east end of the town. That is all the time I have passed in the London minor theatres. The rest of my professional life has been passed in provincial theatres; some of them of the first class, where I have been in the habit of practising in legitimate as well as other dramas, and I have always thought the present state of the laws as regards the monopoly of the drama in London peculiarly hard upon actors, particularly inasmuch as it narrows the field for the exertion of that talent with which God has gifted them.

4148. If any great talent is exhibited at the provincial theatres, do you not consider that is sought for in the metropolitan theatres?—I do not; and I not only consider it is not sought for, but I have known instances where men of considerable standing and considerable provincial reputation have applied to the major theatres, offering their services, or requesting a trial of their talents, and their applications have not even been attended to, nor have they even received those answers which one gentleman expects from another when he addresses him.

4149. Do you conceive if the metropolitan theatres did seek for the talent of the provincial theatres, there might be talent displayed at the provincial theatres which would not have a fair field for talent in the metropolitan theatres?—Most certainly I do.

4150. Do you conceive a man may be a good actor on a small stage, and not so good an actor on a large stage?—I think there will be, with regard to many actors, a very considerable difference. I know, as an old play-goer as well as an actor, that there is a considerable difference between the acting of the greatest actors on the boards of a moderately sized theatre and a large one. I have seen Mr. Kean act in theatres of all sizes, and have acted with him in many, and I invariably found the nicer and better points of his acting were lost or materially impaired in large theatres, when full effect was always given to them in theatres of moderate size.

4151. Do you consider that actors are trained to great excellence in their art more by one species of composition than another?—Most certainly.

4152. Do you think they can obtain the same excellence in vaudevilles, *pièces de circonstance*, and so on, as in acting regular tragedy and comedy?—Certainly not;

not; I have always found it the contrary with regard to the talent I may possess; I have found my spirit and power of producing effect elevated or depressed in exact proportion to the kind of drama in which that talent was exercised, that is, in proportion to its excellence or inferiority. I have felt myself occasionally degraded by the nature of the performances I have been compelled to take part in.

4153. Do you consider that is a feeling among actors, that the legitimate drama is a better nursery for talent than any other?—I believe that is the feeling of all actors who exercise their art with a real love for it, and a sense of its importance.

4154. Do you conceive the drama could be so much encouraged as to produce more real talent in the histrionic art than we find at present?—I do; I think the more open the field for competition is the greater the chance for producing good actors; I think the greater the demand for good acting, by encouraging the performance of the legitimate drama, the greater will be the number of good actors. I have found in the productions of every art that the supply is generally in proportion to the demand.

4155. Supposing there were seven or eight theatres which had a right to perform the legitimate drama, do you consider it is possible there would be a sufficient supply of actors to furnish each theatre with a respectable company?—In the present state of things I do not; but I do not think seven or eight theatres in London, if they were allowed, would ever be playing the legitimate drama at one and the same time. I think they would classify themselves to a certain extent, according to the demands of their different locations.

4156. And you think they would do that if they were not compelled by any law?—I do.

4157. You belong to the Surrey theatre?—Yes.

4158. Does the manager of the Surrey theatre perform the legitimate drama?—He performs anything he pleases, Shakspeare or other pieces; but I believe, as far as I have seen, he finds it more to his interest in general to perform minor dramatic pieces than to perform the legitimate drama, that is tragedy and comedy; but I am inclined to think he has occasionally, nay frequently, found it more to his interest to play the legitimate drama, if I may judge from the appearance of the houses, but not generally, owing to the present state of the law partly, which renders it difficult to procure a company by which the legitimate drama can be played in a minor theatre in all its parts in such a way as to render it attractive.

4159. The staple profit to him is derived not from the legitimate drama, but smaller pieces?—Yes, I should think so.

4160. In that case, though he follows no law with regard to the selection of pieces, he follows his own interest generally, and takes that which is the most advantageous to him?—Precisely so. There may be rare times when he or the manager of any theatre may have the means of commanding talent expressly devoted to the legitimate drama, and at those times he finds it more to his interest to play it. There may be other times when that is not the case, and he then plays minor dramatic pieces.

4161. What is the present performance at the Surrey?—The Hunchback has been performed for the last three nights.

4162. How did that succeed?—It was most eminently successful, if you allude to the effect produced on the audience.

4163. Were the audience numerous?—Yes; I believe the houses were better than have been seen there for the last three months.

4164. No fault was found with the acting?—I do not know that. I have not seen or sought the criticisms. The effect upon the audience appeared much greater than at Covent Garden theatre, the piece being much more loudly applauded; and I can only attribute it to the circumstance of their being better able to hear, see, and appreciate the drama in a moderate sized theatre; for I would not insult your understandings by saying it was better played at the Surrey theatre than at Covent Garden.

4165. Do you not consider it a great hardship upon the author that you should be able to play that?—I conceive it is a great hardship; I wish the laws were so framed that actors might be liable to a penalty as well the manager, for then the actor would have an opportunity, without infringing his articles of agreement, of refusing to offend against the law.

4166. You have acted in provincial theatres?—I have.

4167. Do you think the provincial theatres could afford to pay an author a small sum for his piece?—I think a provincial theatre of the first class could afford a



Mr. E. W. Elton.

12 July 1832.

remuneration to authors, which would not be felt as a severe tax upon them, but would be of importance to authors.

4168. They could pay as much as 2*l.* or 3*l.* per night?—I do not think they could pay so much as that; but I have been told by the authors of successful pieces, if they had even been paid as little as half-a-crown per night for the representation of their pieces throughout the country, they would have received a large sum, and a sum which, in instances of very popular pieces, would have satisfied them. I heard Mr. Jerrold make that remark with respect to Black Eyed Susan.

4169. Are there any general observations you wish to make, especially with regard to actors?—I think the present laws affect the exertions of actors very materially. There are so many theatres in the country which demand the first-rate talent, that not one-sixth part of these actors of first-rate talent that are necessarily demanded by provincial theatres, can ever hope to get engagements at Covent Garden or Drury Lane; and yet a country actor's life is considered but as a state of necessary probation, and in most cases is one of positive endurance and deprivation. The highest salary I know paid in a provincial theatre of the very first class, is three guineas a week, and very few receive so much as that, and have to pay their own travelling expenses from town to town, and frequently to provide their own stage dresses; yet it is expected a man receiving that salary shall be able to embody the first characters of Shakspeare.

4170. Do you happen to know any particular instance of clever leading actors of undoubted talent who try to appear before a London audience, who have not been able to obtain engagements at the large theatres?—I do.

4171. Are those instances many?—Not perhaps many.

4172. Have you any objection to name them?—I cannot say I know such facts; I do not know of actors of talent having applied to Covent Garden or Drury Lane and being refused engagements, as such repulses would not perhaps be confessed to; but I have known actors and actresses of the first-rate talent exhibiting their talents in the country very much against their will. I have always observed a strong wish to exist amongst provincial performers that there should be more markets in London for talents, for country actors are always looking to the metropolis as the end and aim of their ambition, and their provincial engagements are considered by them merely as a means of attaining that end.

4173. Is it your belief that those individuals have remained in the country merely on account of the difficulty of getting engagements in London?—I am sure of it. I do not know whether it will be considered improper if I mention my own case. I have been for eight years a provincial actor; I have filled situations of first-rate importance in Liverpool, Manchester, Norwich, and other theatres, not quite of so much importance as those but nearly so, and I have always found the provinces utterly inadequate to my support and that of my family. I have made applications to the large theatres for a mere trial of my talent, and those applications have been wholly unnoticed, not even answered. I at last had applications made to me from the London minor theatres, and observing, with other actors, that those theatres had of late years, with the sanction and the encouragement of the public, made great strides towards attaining nearly the same respectability and excellence as the large houses, I was at length induced to accept those offers.

4174. What parts in the country theatres did you most excel in?—Richard the Third, Othello, Hamlet, and parts of that class.

4175. Did you offer probationary to play any of those parts in the London theatres?—I once did; I wrote at the same time to Mr. Charles Kemble of Covent Garden theatre, and Mr. Alexander Lee of Drury Lane. Mr. Kean at that time had seceded from the stage for a time. I made an offer, certainly a very bold one, to undertake Mr. Kean's characters, or make a trial in them, at a moderate salary, for the remainder of the season. I expressly offered to do so at a very moderate salary. I never received an answer to either application.

4176. Did you state the sum?—I did not.

4177. And you believe others are in the same situation?—I believe so.

4178. You now perform principal parts at the Surrey theatre?—I do.

4179. If those small theatres were not existing you would have no engagement in London?—If the legitimate drama was not played at the minor theatres I should certainly have had no engagement in London.

4180. You would still be performing at the provincial theatres?—Yes; I would not have accepted an engagement at a minor theatre had it been otherwise than it is.

4181. You



Mr. E. W. Elton.

12 July 1832.

4181. You would be performing at a very inadequate salary?—Yes.

4182. Do you know performers in the country who sustain characters there equally clever with the individuals who sustain those characters in London?—I know many who are equally clever, in the opinion of the audience who witness their talent.

4183. In your opinion?—Yes; I have seen instances.

4184. Do you know whether it costs a great deal to give an actor a trial at a great theatre?—I never heard so. I should mention, when I made the application I alluded to at Covent Garden and Drury Lane theatres, I made that application not from an obscure theatre, or as an obscure provincial actor, I was playing the leading characters in the Liverpool and Manchester theatres, Mr. Lewis's theatre, with Mr. Vandenhoff at Liverpool, and solely at Manchester.

4185. You never heard it stated that it costs 100*l.* at a patent theatre to give an actor a trial?—No.

4186. Your line is the tragic?—Yes.

4187. All Mr. Kean's characters?—Yes.

4188. And melo-drame too?—I have been compelled to play a great deal of melo-drame very much against my will in town and country.

4189. You have played with Mr. Vandenhoff?—Yes.

4190. Is he the principal tragic actor in the Liverpool company?—He was then so at Liverpool, but not in Manchester, Chester, and other towns.

4191. What parts have you played with Mr. Vandenhoff?—I have played Edgar to his King Lear, Pierre to his Jaffier, Iago to his Othello, and the like.

4192. Have you ever played at Birmingham or Bristol?—I have played in Birmingham, not in Bristol. I give it as my opinion as an actor, for this reason in addition to others, that the right of playing the legitimate drama in London should be given to other theatres as well as the large theatres, unrestrictedly; that I think it would be advantageous to the proprietors of the great theatres such should be the case. It has been stated, and it is well known, that the actors at the great houses are generally obtained from provincial theatres. The provincial theatres have been the school for the actors at the large theatres in London; but it happens frequently that upon recommendations of persons known by the managers of the large theatres, actors and actresses are brought from the provincial theatres, and fail after they have made long engagements. There have been instances of actors and actresses making engagements for three and even five years, at large salaries at the patent houses, who have failed on their first appearance, and the managers have been consequently saddled with those engagements, although the performers were useless. Now, if the legitimate drama were acted at the minor theatres, they would become the finishing schools, instead of the provincial theatres, and actors and actresses being then placed before the eyes of the public and of managers, and their talent and popularity matters of notoriety, no such mistakes could be made.

4193. Do you suppose if there were these nurseries for actors, and the large houses possessed the greatest capital, they would naturally attract the greatest actors?—Certainly; I think the theatres would always grade, and consequently attract and possess talent, in proportion to the wealth and spirit of the manager, or the local wealth and intelligence of the public.

4194. Then you think no good actors would be allowed to remain at the minor theatres?—I mean to say, when a vacancy occurred at the great houses the manager would have an opportunity of seeing and judging whether that vacancy could not be eligibly filled up from the minor theatres.

4195. You mean the vacancy would be filled up from the minor theatres, and therefore the minor theatres would have a bad company?—No, unless there were vacancies for actors, managers would not engage them; and as vacancies occurred at the minors, they again would be filled up from the provinces.

4196. Do you mean there would be greater talent at the minor theatres, and there would be a greater opportunity for the large theatres to select from that talent when they had a vacancy?—That is my opinion.

4197. Then the great theatres would take the lead in that respect?—Yes.

## LIST OF APPENDIX.

No.

- 1.—Copy of Davenant's Patent - - - - - p. 237
- 2.—Copy of Killegrew's Patent - - - - - p. 239
- 3.—Copy of the Entry in the Books of the Lord Chamberlain's Office of the Patent for the Drury Lane Theatre - - - - - p. 240
- 4.—Outline for a general Opera Arrangement, proposed by Messrs. Sheridan, Holloway and William Sheldon, with the approbation of his Royal Highness the Prince of Wales, his Grace the Duke of Bedford, and the Marquis of Salisbury - - - - - p. 241
- 5.—Copy of the Annual Licence for the Little Theatre in the Haymarket - - - - - p. 243
- 6.—Copy of the Entry in the Books of the Lord Chamberlain's Office of the Patent for the Liverpool Theatre - - - - - p. 244
- 7.—A Return, specifying the Number and Name of each Theatre, and the Terms upon which each Theatre has been Licensed annually by the Lord Chamberlain, from the Year 1820 - - - - - p. 245
- 8.—The King's Reply and Command, granting Mr. Arnold an Extension of his Licence for the Lyceum Theatre - - - - - p. 247
- 9.—Copy of the original Appointment of the present Examiner of Plays - - - - - p. 247
- 10.—Copy of the Oath taken by the present Examiner of Plays upon his original Appointment - - - - - p. 248
- 11.—Particulars of the Deductions from the Salary of the Examiner of all Theatrical Entertainments - - - - - p. 248
- 12.—Comparative Dimensions of various Theatres - - - - - p. 249
- 13.—Receipts of Covent Garden Theatre in each Season, from 1809-10 to 1831-32 - - - - - p. 249
- 14.—Statement of Plays and Afterpieces produced at Covent Gardent Theatre, within the last Ten Years - - - - - p. 249
- 15.—Letter from Mr. Harris, one of the Proprietors of Covent Garden Theatre, to the Chairman; dated Wierre au Bois, July 18, 1832 - - - - - p. 250

# A P P E N D I X.

## Appendix, No. 1.

### COPY of DAVENANT'S PATENT.

CHARLES the Second, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c., To all to whom these presents shall come, greeting; Whereas Our Royal Father, of glorious memory, by his letters patent, under his Great Seal of England, bearing date at Westminster the 26th day of March, in the 14th year of his reign, Did give and grant unto Sir William Davenant, by the name of William Davenant, gentlemen, his heirs, executors, administrators and assigns, full power, licence and authority, that he, they and every of them, by him and themselves, and by all and every such person and persons as he or they should depute or appoint, and his and their laborers, servants and workmen, should and might lawfully, quietly and peaceably, frame, erect, new build, and set up upon a parcel of ground lying near unto or behind the Three Kings' Ordinary, in Fleet-street, in the parishes of Saint Dunstan in the West, London, or in Saint Brides', London, or in either of them, or in any other ground in or about that place, or in the whole street aforesaid, then allotted to him for that use, or in any other that was or then after should be assigned or allotted out to the said Sir William Davenant by Thomas Earl of Arundel and Surrey, then Earl Marshall of England, or any others, Commissioners for building for the time being in that behalf, a theatre or playhouse, with necessary tiring and retiring rooms, and other places convenient, containing in the whole 40 yards square at the most, wherein plays, musical entertainments, scenes, or other the like presentments might be presented: And Our said Royal Father did grant unto the said Sir William Davenant, his heirs, executors, administrators and assigns, that it should and might be lawful to and for him the said Sir William Davenant, his heirs, executors, administrators and assigns, from time to time to gather together, entertain, govern, privilege and and keep such and so many players and persons to exercise actions, musical presentments, scenes, dancings and the like, as he the said Sir William Davenant, his heirs, exörs, admörs or assigns, shall think fitting, and from time to time to act plays in such houses so to be by him or them erected, and exercise musick, musical presentments, scenes, dancing or other the like, at the same or others, houses or times, or after plays are ended, peaceably and quietly, without the impeachment or impediment of any person or persons whatsoever, for the honest recreation of such as shall desire to see the same: And that it should and might be lawful to and for the said Sir William Davenant, his heirs, exörs, admörs and assigns, to take and receive of such as should resort to see and hear any such plays, scenes and entertainments whatsoever, such sum or sums of money as was or thereafter from time to time should be accustomed to be given or taken in other playhouses and places for the like, plays, scenes, presentments and entertainments, as in and by the said letters patent, relation being thereunto had, more at large may appear: And Whereas We did by Our letters patent, under Our Great Seal of England, bearing date the 16th day of May, in the 13th year of Our reign, exemplify the said letters patent granted by Our Royal Father, as in and by the same, relation being thereunto had, at large may appear: And whereas the said Sir William Davenant hath surrendered Our said letters patent of exemplification, and also the said recited letters patent granted by Our Royal Father into Our Court of Chancery to be cancelled, wch surrender We have accepted, and do accept by these presents; Know ye that We, of Our especial grace, certain knowledge and meer motion, and upon the humble petition of the said Sir William Davenant, and in conñon of the good and faithful service which he the said Sir William Davenant hath done unto us, and doth intend to do for the future, and in consideration of the said surrender, have given and granted, and by these presents for Us, Our heirs and successors, do give and grant unto the said Sir William Davenant, his heirs, exörs, admörs and assigns, full power, licence and authority, that he, they and every of them, by him and themselves, and by all and every person and persons as he or they shall depute or appoint, and his and their laborers, servants and workmen, shall and may lawfully, peaceably and quietly frame, erect, new build and set up in any place within Our cities of London and Westminster, or the suburbs thereof, where he or they shall find best accommodation for that purpose, to be assigned and allotted out by the surveyor of Our works, one theatre or playhouse, with tiring and retiring rooms, and other places convenient, of such extent and dimensions as the said Sir William Davenant, his heirs or assigns, shall think fitting, wherein tragedies, comedies, plays, operas, musick, scenes and all other entertainments of the stage whatsoever,

Appendix, No. 1.  
Davenant's Patent,  
1662.

Appendix, No. 1.

Davenant's Patent,  
1662.

ever, may be shown and presented : And We do hereby for Us, Our heirs and successors, grant unto the said Sir William Davenant, his heirs and assigns, full power, license and authority from time to time to gather together, entertain, govern, privilege and keep such and so many players and persons to exercise and act tragedies, comedies, plays, operas and other performances of the stage, within the house to be built as aforesaid, or within the house in Lincoln's-inn-Fields, wherein the said Sir William Davenant doth now exercise the premises, or within any other house where he or they can best be fitted for that purpose within Our cities of London and Westminster, or the suburbs thereof, which company shall be the servants of Our dearly beloved Brother James, Duke of York, and shall consist of such number as the said Sir William Davenant, his heirs or assigns, shall from time to time think meet ; and such persons to permit and continue at and during the pleasure of him the said Sir William Davenant, his heirs or assigns, from time to time to act plays and entertainments of the stage of all sorts, peaceably and quietly, without the impeachment or impediment of any person or persons whatsoever, for the honest recreation of such as shall desire to see the same ; and that it shall and may be lawful to and for the said Sir William Davenant, his heirs and assigns, to take and receive of such Our subjects as shall resort to see or hear any such plays, scenes and entertainments whatsoever, such sum or sums of money as either have accustomedly been given and taken in the like kind, or as shall be thought reasonable by him or them, in reward of the great expence of scenes, musick, and such new decorations as have not been formerly used : And further, for Us, Our heirs and successors, We do hereby give and grant to said Sir William Davenant, his heirs and assigns, full power to make such allowances out of that which he shall so receive by the acting of plays and entertainments of the stage as aforesaid to the actors and other persons employed in acting, representing, or in any quality whatsoever about the said theatre, as he or they shall think fit ; and that the said company shall be under the sole government and authority of the said Sir William Davenant, his heirs and assigns, and all scandalous and mutinous persons shall from time to time by him and them be ejected, and disabled from playing in the said theatre : And for that We are informed that divers companies of players have taken upon them to act plays publicly in Our said cities of London and Westminster, or the suburbs thereof, without any authority for that purpose, We do hereby declare Our dislike of the same, and will and grant that only the said company erected and set up, or to be erected and set up, by the said Sir William Davenant, his heirs and assigns, by virtue of these presents, and other company erected and set up, or to be erected and set up, by Thomas Killigrew, esquire, his heirs and assigns, and none other, shall from henceforth act or represent comedies, tragedies, plays or entertainments of the stage within our said cities of London and Westminster, or the suburbs thereof, which said company to be erected by the said Thomas Killigrew, his heirs and assigns, shall be subject to his and their government and authority, and shall be styled the company of Us, and of Our Royal Consort ; and the better to preserve amity and correspondence betwixt the said companies, and that the one may not encroach upon the other by any indirect means, We will and ordain that no actor or other person employed about either of the said theatres ejected by the said Sir William Davenant and Thomas Killigrew, or either of them, deserting his company, shall be received by the governor or any of the said other company, or any other person or persons to be employed in acting, or in any matter relating to the stage, without the consent and approbation of the governor of the company whereof the said person so ejected or deserted was a member, signified under his hand and seal. And We do by these presents declare all other company and companies, saving the two companies before mentioned, to be silenced and suppressed : And forasmuch as many plays formerly acted do contain several profane, obscene and scurrilous passages, and the women's parts have been acted by men in the habits of women, at which some have taken offence, for the preventing of these abuses for the future, We do hereby strictly command and enjoin that from henceforth no new play shall be acted by either of the said companies containing any passages offensive to piety and good manners, nor any old or received play containing any such offensive passage as aforesaid, until the same shall be corrected and purged by the said masters or governors of the said respective companies from all such offensive and scandalous passage as aforesaid : And We do likewise permit and give leave that all the women's parts to be acted in either of the said two companies for the time to come may be performed by women, so long as these recreations (which by reason of the abuses aforesaid were scandalous and offensive) may by such reformation be esteemed, not only harmless delight, but useful and instructive representations of human life, to such of Our good subjects as shall resort to the same ; and these Our letters patent, or the inrollment thereof, shall be in all things good and effectual in the law, according to the true intent and meaning of the same, any thing in these presents contained, or any law, statute, act, ordinance, proclamation, provision or restriction, or any other matter, cause or thing whatsoever to the contrary in anywise notwithstanding, although express mention of the true yearly value or certainty of the premises, or of any of them, or of any other gifts or grants by Us or any of Our progenitors or predecessors heretofore made to the said Sir William Davenant in these presents is not made, or any other act, statute, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, ordained or provided, or any other matter, cause or thing whatsoever to the contrary thereof in anywise notwithstanding. In witness whereof We have caused these Our letters to be made patent. Witness Ourselves at Westminster this 15th day of January, in the 14th year of Our reign.

By the King.

Howard.

## Appendix, No. 2.

## COPY of KILLIGREW'S PATENT.

CHARLES the Second, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c., To all to whom theis present shall come, greetinge; Knowe ye that Wee of Our especial grace, certain knowledge, and mere moçon, and upon the humble petiçon of Our trustie and welbeloved Thomas Killigrew, Esquire, one of the groomes of Our bedchamber, have given and granted, and by theis present, for Us, Our heires and successors, doe give and grante unto the s<sup>d</sup> Thomas Killigrew, his heires and assignes, full power, licence and authoritie, that he, they and every of them, by him and themselves, and by all and every such person and persons as he or they shall depute or appointe, and his and their labourers, servant and workmen, shall and maie lawfullie, quietly and peaceably frame, erect, new build and sett up in any place within Our citties of London and Westminster, or the suburbs thereof, where he or they shall finde best accommodaçon for that purpose, to be assigned and allotted out by the surveyor of our workes, one theatre or playhouse, with necessarie tyreing and retyreing rooms, and other places convenient, of such extent and dimension as the said Thomas Killigrew, his heires or assignes shall thinke fittinge, wherein tragedies, comedies, plays, operas, musick, scenes, and all other entertainment of the stage whatsoever, may be shewen and presented: And Wee doe hereby for Us, Our heires and successors, graunt unto the said Thomas Killigrew, his heires and assignes, full power, licence, and authoritie, from time to time, to gather together, entertaime, governe, priviledge, and keepe such and soe manie players and persons to exercise and act tragedies, comedies, playes, operas and other performatiōns of the stage within the house to be built as aforesaid, or within any other house where he or they can be best fitted for that purpose, within Our cities of London and Westminster, or the suburbs thereof, which said company shall be the servant of Us and Our deare Consort, and shall consist of such number as the said Thomas Killigrew, his heires or assignes, shall from time to time thinke meete; and such persons to permitt and continue att and dureigne the pleasure of the said Thomas Killigrew, his heires or assignes, from time to time to act playes and enterteynment of the stage of all sort peaceably and quietly, without the impeachment or impediment of any person or persons whatso<sup>r</sup>, for the honest recreaçon of such as shall desire to see the same: And that it shall and maie be lawful to and for the said Thomas Killigrew, his heires and assignes, to take and receive of such Our subject as shall resort to see or heare anie such playes, scenes and entertainment whatso<sup>r</sup>, such some or somes of money as either have accustomed bin given or taken in the like kinde, or as shall be thought reasonable by him or them in regard of the greate expences of scenes, musick and such new decaçons as have not been formerly used; and further, for Us, Our heires and successors, Wee do hereby give and grant unto the said Thomas Killigrew, his heires and assignes, full power to make such allowances out of that which he shall soe receive by the acting of playes and entertainment of the stage as afo<sup>r</sup>d to the actors and other persons employed in actinge, representinge, or in any qualitie whatso<sup>r</sup> about the said theatre, as he or they shall thinke fitt; and that the s<sup>d</sup> companie shall be under the sole government and authoritie of the said Thomas Killigrew, his heires and assignes; and all scandalous and mutinous persons from time to time by him and them to be elected and disabled from playeing in the said theatre: And for that Wee are informed that divers companies of players have taken upon them to act playes publicly in Our said citties of London and Westminster, or the suburbs thereof, without any authoritie for that purpose, Wee doe hereby declare our dislike of the same, and will and graunt that onely the said companie to be erected and sett up by the said Thomas Killigrew, his heires and assignes, by virtue of theis present, and one other companie to be erected and sett up by Sir William Davenant, knight, his heires or assignes, and none other, shall from henceforth act or represent comedies, tragedies, plaies or entertainment of the stage within our s<sup>d</sup> citties of London and Westminster, and the suburbs thereof, which said companie to be erected by the said Sir William Davenant, his heires or assignes, shall be subject to his or their government and authoritie, and shall be styled the Duke of York's Companie; and the better to preserve amitye and correspondence betwixt the said companies, and that the one maie not encroach upon the other by any indirect meanes, Wee will and ordaine that noe actor or other person employed about either the said theatres eisted by the said Thomas Killigrew and Sir William Davenant, or either of them, or deserting his companie, shall be received by the governour of the said other companie to be employed in acting, or in anie matter relateing to the stage, without the consent and approbation of the governor of the companie whereof the s<sup>d</sup> person so eicted or deserting was a member, signified under his hand and seale; and Wee doe by theis present declare all other companie and companies before mentioned to be silenced and suppressed: And forasmuch as manie playes formerly acted doe containe severll prophane, obscene and scurrulous passages, and the women's part therein have byn acted by men in the habit of woemen, at which some have taken offence, for the preventing of these abuses for the future, Wee doe hereby strictly comand and enioyne, that from henceforth noe new play shall bee acted by either of the said comp<sup>s</sup> conteyninge anie passages offensive to pietie and good manners, nor any old or revived play conteyninge any such offensive passages as aforesaid, untill the same

Appendix, No. 2.

Killigrew's Patent,  
1662.



Appendix, No. 2.  
 Killigrew's Patent,  
 1662.

shall be corrected and purged by the said masters or governours of the said respective companies from all such offensive and scandalous passages as aforesaid; and Wee doe likewise permit and give leave, that all the woemen's part to be acted in either of the said two companies for the time to come may be performed by woemen, soe long as their recreacions, which, by reason of the abuses aforesaid, were scandalous and offensive, may by suche reformation be esteemed, not onely harmless delight, but usefull and instructive representiōns of humane life, to such of our good subiect as shall resort to the same; and theis our letters patent, or the inrollment thereof, shall be in all things firme, good, effectuell in the lawe, according to the true intent and meaning of the same, anything in theis present contained, or any law, statute, act, ordinance, proclamacon, provision, or restriction, or any other matter, cause or thing whatsoever to the contrary in anywise notwithstanding, although express mencon of the true yearely value or certenity of the premises, or of any of them, or of any other guift or grant by Us or by any of Our progenitors or predecessors heretofore made to the said Thomas Killigrew, and the said Sir William Davenant, in theis present is not made, or any statute, ordinance, provision, proclamacon or restriction heretofore had, made, enacted, ordeyned or provided, or any other matter, cause or thing whatsoever to the contrary thereof, in anywise notwithstanding. In witness whereof, Wee have caused theis Our letters to be made patent. Witness Ourselfe at Westminster the 25th day of April, in the 14th yeare of our reigne.

By the King,

(seal) *Howard.*

### Appendix, No. 3.

COPY of the ENTRY in the Books of the Lord Chamberlain's Office of the PATENT for the DRURY LANE THEATRE.

Appendix, No. 3.  
 Entry of Patent for  
 the Drury Lane  
 Theatre.

GEORGE the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all to whom these presents shall come, greeting; Whereas by an Act which passed in Parliament in the fiftieth year of our reign, intituled, "An Act for rebuilding the late Theatre Royal Drury Lane," upon the conditions and under the regulations therein mentioned, our trusty and well-beloved Samuel Whitbread, Peter Moore, and Harvey Christian Combe, esquires, are appointed trustees for the purposes therein mentioned: And whereas by another Act which passed in Parliament in the fifty-second year of our reign, intituled, "An Act for altering and enlarging the powers of an Act of His present Majesty for rebuilding the late Theatre Royal Drury Lane," provision is made for the appointment of successors to the said Trustees respectively; Now know ye, that We for divers good causes and considerations Us hereunto moving, of Our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents for Us, Our heirs and successors, do give and grant unto the said Samuel Whitbread, Peter Moore, and Harvey Christian Combe, their successors and assigns, in trust for the Theatre Royal Drury Lane Company of Proprietors, for and during the full end and term of twenty-one years, to commence from the 2d day of September in the year of our Lord Christ 1816, full power, licence and authority to gather together, form, entertain, govern, privilege and keep a company of comedians for Our service, to exercise and act tragedies, plays, operas and other performances on the stage, within a house to be built in Drury Lane, or within any other house built or to be built, where they can best be fitted for that purpose, within the city of Westminster, and within the limits thereof, and within such places where We, Our heirs and successors, shall reside, and during such residence only; such house or houses so to be built (if occasion shall require) to be assigned and allotted out by the chief officer of our works for a theatre or playhouse, with necessary attiring and retiring rooms, and other places convenient, of such extent and dimensions as the said Samuel Whitbread, Peter Moore, and Harvey Christian Combe, their successors and assigns, shall think fitting, wherein tragedies, comedies, plays, operas, music, scenes, and all other entertainments of the stage whatsoever may be showed and presented, which said company shall be Our servants, and be styled Our Royal Company of Comedians, and shall consist of such numbers as the said Samuel Whitbread, Peter Moore, and Harvey Christian Combe, their successors and assigns, shall from time to time think meet: And We do hereby, for Us, Our heirs and successors, grant unto the said Samuel Whitbread, Peter Moore, and Harvey Christian Combe, their successors and assigns, full power licence and authority to permit such persons at and during the pleasure of the said Samuel Whitbread, Peter Moore and Harvey Christian Combe, their successors or assigns, from time to time to act plays and entertainments of the stage of all sorts, peaceably and quietly, without the impeachment or impediment  
of

of any person or persons whatsoever, for the honest recreation of such as shall desire to see the same, nevertheless under the regulations hereinafter mentioned, and such others as the said Samuel Whitbread, Peter Moore and Harvey Christian Combe, their successors or assigns, from time to time, in their discretion, shall find reasonable and necessary for Our service: And We do hereby for Us, Our heirs and successors, further grant to them the said Samuel Whitbread, Peter Moore and Harvey Christian Combe, their successors and assigns as aforesaid, that it shall and may be lawful to and for the said Samuel Whitbread, Peter Moore and Harvey Christian Combe, their successors and assigns, to take and receive of such of Our subjects as shall resort to see or hear any such tragedies, plays, operas or other entertainments whatsoever, such sum or sums of money as either have accustomedly been given and taken in the like kind, or as shall be thought reasonable by them in regard of the great expense of building, hiring and fitting up the said theatre: And further, for Us, Our heirs and successors, We do hereby give and grant unto the said Samuel Whitbread, Peter Moore and Harvey Christian Combe, their successors and assigns, full power to make such allowances out of that which they shall so receive by the acting of tragedies, plays, operas or other entertainments of the stage as aforesaid, to the actors and other persons employed in acting, representing, or in any quality whatsoever in and about the said theatre, as the said Samuel Whitbread, Peter Moore and Harvey Christian Combe, their successors and assigns, shall think fit; and that the said Company shall be under the sole government and authority of the said Samuel Whitbread, Peter Moore and Harvey Christian Combe, their successors and assigns, and all scandalous and mutinous persons shall from time to time by them be ejected and disabled from playing in the said theatre: And for the better attaining Our Royal purposes in this behalf, We have thought fit hereby to declare that henceforth no representations be admitted on the stage by virtue or under colour of these Our letters patent, whereby the Christian religion in general, or the Church of England, may in any manner suffer reproach, strictly inhibiting every degree of abuse or misrepresentation of sacred characters, tending to expose religion itself, and to bring it into contempt, and that no such character be otherwise introduced or placed in any other light than such as may enhance the just esteem of those who truly answer the end of their sacred function: We further enjoin the strictest regard to such representations as any way concern civil policy or the constitution of Our Government, that these may contribute to the support of Our sacred authority, and the preservation of order and good government: And it being Our Royal will and pleasure that for the future Our theatre may be instrumental to the promotion of virtue and instructive to human life, We do hereby command and enjoin that no new play, or any old or revived play, be acted under the authority hereby granted, containing any passages or expressions offensive to piety and good manners, until the same be corrected and purged by the said governors from all such offensive and scandalous passages and expressions; and these Our letters patent, or the enrolment or exemplification thereof, shall be in and by all things good, firm, valid, sufficient and effectual in the law, according to the true intent and meaning thereof, anything in these presents contained to the contrary thereof in anywise notwithstanding, or any other omission, imperfection, defect, matter, cause or thing whatsoever to the contrary thereof in anywise notwithstanding. In witness whereof We have caused these Our letters to be made patent. Witness Ourselves at Our palace at Westminster this 19th day of June, in the 52d year of Our Reign.

By Writ of Privy Seal.

*Wilmot.*


---

#### Appendix, No. 4.

1791.—OUTLINE for a general Opera Arrangement, proposed by Messrs. Sheridan, Holloway and William Sheldon, with the approbation of His Royal Highness the Prince of Wales, His Grace the Duke of Bedford, and the Marquis of Salisbury.

1st. MR. VANBURGH's interest in the Haymarket Theatre and property to be purchased of him, and to be vested in trustees, upon the trusts hereinafter mentioned, and subject thereto, in trust for those friends of Mr. Taylor who purchased Mr. Vanburgh's interest, who may at the same moment agree with Mr. Taylor for the granting him a new lease at the expiration of the present one, either for the same rent as is now paid, or for any other rent as shall be agreed upon between them, for the whole of Mr. Vanburgh's present term under the Crown, as also for any new term that he may obtain.

2d. Mr. Vanburgh to use and exert his utmost interest with the Crown for the obtaining such an addition to the subsisting lease as will make up 50 years.

3d. The consideration to Mr. Vanburgh to be 12,000*l.*, to be paid down, and an annuity of 400*l.* to be reserved to Mr. Vanburgh during his life, and also to Mrs. Vanburgh during her life, if she survive him, and (except the Crown rent) to be the first charge upon the property, unless otherways to his satisfaction provided for; and the 3,500*l.* insurance money to be released to him, Mr. Vanburgh remitting to Mr. Taylor all arrears of rent now due to him,

Appendix, No. 3.

Entry of Patent for the Drury Lane Theatre.

Appendix, No. 4.

Outline for a general Opera Arrangement.

## Appendix, No. 4.

Outline for  
a general Opera  
Arrangement.

him, with a reservation of all such rights of admission and of silver tickets during this present term under the Crown as he at present is entitled to, as also to Mr. De Burgh of his silver ticket; and if a future term is obtained by Mr. Vanburgh's interest, the same privilege to be continued.

4th. All parties to unite in an application to the Crown for a patent for operas only, under the control of the Lord Chamberlain, for the term of 21 years, to be obtained in such name as shall most facilitate the obtaining the same, and by the patentee to be assigned to the trustees of the whole property, upon the trusts hereinafter mentioned; and the patent, subject thereto, to be the property of Mr. Taylor.

5th. Any expense attending the obtaining of a patent from the Crown to be borne by the Haymarket Theatre.

6th. It having been agreed on all sides that Mr. Harris should derive a just compensation in respect to his dormant patent from the Haymarket property, at the same time the various and necessary charges laid on this theatre rendering it very desirable that the arbitrator should add as little as possible to those expenses, it is agreed that the Haymarket Theatre shall be charged only with an annuity of 250*l.*, redeemable for 5,000*l.*, towards that compensation; and that all further expenses attending the settlement with Mr. Harris shall be borne by the proprietors of Drury Lane Theatre, upon the said dormant patent being annexed inseparably to that theatre with the consent of the Duke of Bedford.

7th. In this case it is to be understood, as a part of the settlement *bona fide* between the three theatres, that the patents of Drury Lane and Covent Garden shall never be exercised for the performances of Italian operas; and that the Haymarket Theatre and patent shall be for Italian operas only, with such occasional aid as has been usual from balls and masquerades.

8th. The management to be given up to the direction of five noblemen, to be named by His Royal Highness the Prince of Wales, the Duke of Bedford and the Marquis of Salisbury, with no other restriction than that the expense shall not exceed the sum of 21,000*l.* annually, including rent and taxes.

9th. The subscription to be raised to 25 guineas for 50 operas only. The performances to commence so as to have 60 performances in the season, unless prevented by extraordinary circumstances.

10th. The appropriation of the 41 boxes to remain as settled in the deed with Gallini, but the consideration given for those boxes to be proved to the trustees; and if an adequate consideration has not been given, the deficiency to be made good, or the box to be given up to the trustees, on the repayment of the consideration given; and all other demands upon either property to be submitted to investigation and proof before they can be admitted as charges upon the trust.

11th. The proprietors of these 41 boxes to be treated with for the purchase of a further term in them, so as to raise a sum of 16,000*l.* or 20,000*l.*, one moiety of which to be applied in payment of the Pantheon creditors, and the other to those of the Haymarket.

12th. The annual surplus above the sum allowed for the expenditure of the establishment to be disposed of in the following manner:

13th. 1,500*l.* per annum to be applied to pay off Gallini the sum of 8,500*l.*, secured to him by the deed above mentioned:

14th. 1,000*l.* per annum to finish the building according to the plan begun by Mr. Taylor, but with the approbation of the five directing noblemen.

15th. Any sum not exceeding 4,000*l.* yearly to be divided between the Pantheon and Haymarket creditors.

16th. An annuity of 200*l.* to be given during life to such persons lately interested in the Pantheon Theatre as the Duke of Bedford and Marquis of Salisbury shall approve of.

17th. A proper trust to be created, and three trustees to be named for these purposes; and all receipts and profits of the theatre and property in the Haymarket to be paid to the account of the trustees, and at the bankers approved of, and subject to the purposes of the trust.

18th. Mr. Taylor to have the free use of the house for three nights in the course of the season, not interfering with the opera nights.

19th. Mr. Taylor to recommend a banker and receivers, subject to the approbation of the five directing noblemen, who must have the power of removing them at their discretion, and of taking such security as they judge proper.

20th. Mr. Taylor to be at liberty to insure the theatre and property from fire to the full value of the same, provided that the policies be lodged with the banker to the fund in the name of the trustees; and that within 30 days previous to the expiration of any policy he do produce and lodge with the banker of the fund the new policies in the names of the trustees, in failure of which, the trustees are immediately to insure. The expense in either case to come out of the general fund, into which all money recovered on any policies is to be paid.

21st. Any surplus beyond the several yearly sums and expenses above provided for to be paid to Mr. Taylor.

22d. The Pantheon opera debts are estimated by Mr. William Sheldon at 40,000*l.*, but supposed to be reduceable to 30,000*l.*: let them be taken on the Haymarket property at 30,000*l.*, without interest or further detail. If they do not exceed that sum, then any profits which may arise this season from the Pantheon to go in reduction of it; but if they do exceed 30,000*l.*, then the profits to be applied in addition to that sum.

Appendix, No. 4.

Outline for  
a general Opera  
Arrangement.

23d. Twenty-four boxes to be allotted in the first, second and third tiers in the Haymarket Theatre for the disposition of the Duke of Bedford and the Marquis of Salisbury, and for the accommodation of their friends, subscribers to the Pantheon, who now have no boxes in the Haymarket Theatre.

24th. The Pantheon to be dismantled and restored, as soon as the Haymarket Theatre is fit.

25th. The Theatre Royal in Drury Lane to be rebuilt with all possible expedition; but if not completed so as to admit the re-establishment of the opera at the Haymarket Theatre at the beginning of the next season, then the profits of the Pantheon to be continued to be applied in discharge of the Pantheon debts; and the rent of the Haymarket paid by the proprietors of Drury Lane Theatre to be applied in reducing those of the Haymarket Theatre.

26th. The three trustees to be named, one by Messrs. Sheridan and Holloway, on the part of the Haymarket; one by Mr. Sheldon, on the part of the Pantheon; and one by the five directing noblemen.

27th. To be referred to John Maddocks, Esq. and Arthur Piggott, Esq., to prepare a proper deed for the carrying the above outline into execution; and in which deed are to be inserted all such clauses, provisions and declarations as in their opinion shall be proper or necessary for effecting the trusts proposed, and securing the rights and interests of the several parties, according to the true spirit and meaning of this outline and of the arbitrators.

28th. Messrs. Maddocks and Piggott, with such assistance as they shall appoint, to receive and investigate the proofs of the titles to the boxes and the claims on the trust.

29th. The whole property, after all the objects of the trust are satisfied, to be Mr. Taylor's.

30th. The trust to be for 10 years; but if the objects of the trust should not be satisfied in that term, then to be renewed.

31st. Every part of this arrangement to be subject to His Majesty's approbation.

We recommend this outline as a just and honourable settlement for all parties.

(signed by) *R. B. Sheridan,*  
*Thos Holloway,*  
*W<sup>m</sup> Sheldon.*

We approve of the same.

(signed by) *GEORGE, P.,*  
*BEDFORD,*  
*SALISBURY.*

#### Appendix, No. 5.

##### COPY of the ANNUAL LICENCE for the Little Theatre in the Haymarket.

I do hereby give leave and licence unto David Edward Morris and James Winston, esqrs. to have performed at the Little Theatre in the Haymarket, in the parish of St. Martin-in-the-Fields, within the liberties of Westminster, from the 15th day of June next, to the 15th day of October following, and no longer, any such theatrical performances as have heretofore been, or that shall hereafter be permitted and allowed to be acted, represented and performed on the stage, and from that period to the 15th day of June the said theatre shall not be opened for any species of entertainment whatever, without application being first made to the Lord Chamberlain's office, specifying the nature of such entertainment, and a licence being granted for the same.

Appendix, No. 5.

Annual Licence for  
the Little Theatre  
in the Haymarket.

Given under my hand and seal this            day of            in the            year of His Majesty's reign.

(signed by The Lord Chamberlain.)

## Appendix, No. 6.

COPY of the Entry in the Books of the Lord Chamberlain's Office of the PATENT for the *Liverpool Theatre*.

## Appendix, No. 6.

Entry of Patent for the *Liverpool Theatre*.

GEORGE the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all whom these presents shall come, greeting ; Whereas by an Act which passed in Parliament in the eleventh year of his late Majesty King George the Third of blessed memory, intituled, " An Act to enable His Majesty to license a playhouse in the town of Liverpool, in the county palatine of Lancaster," so much of an Act which passed in Parliament in the tenth year of the reign of King George the Second, intituled, " An Act to explain and amend so much of an Act made in the twelfth year of the reign of Queen Anne, intituled, ' An Act for reducing the laws relating to rogues, vagabonds, sturdy beggars and vagrants into an Act of Parliament, and for the more effectual punishing such rogues, vagabonds, sturdy beggars and vagrants, and sending them whither they ought to be sent, as relates to common players of interludes,' " whereby all persons are discharged to represent any entertainment of the stage whatever, in virtue of letters patent from Us, or by license from the Chamberlain of Our Household for the time being, except within the liberties of Westminster, or where We are residing for the time being, is repealed with respect to the said town of Liverpool ; and it is thereby enacted, that it shall and may be lawful for Us, Our Heirs and Successors, to grant letters patent for establishing a theatre or playhouse within the said town of Liverpool, which shall be entitled to all the privileges, and subjected to all the regulations to which any theatre or playhouse in Great Britain is entitled and subjected: Know ye therefore, that We, for divers good causes and considerations Us thereunto moving, of Our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents, for Us, Our Heirs and Successors, Do give and grant, unto our trusty and well-beloved George Case, of the town of Liverpool, in the county palatine of Lancaster, esq. his executors, administrators and assigns, for and during the full end and term of twenty-one years, to commence from the 24th day of June in the year of Our Lord 1828, full power, licence and authority to establish a theatre or playhouse in the said town of Liverpool, in Our said county palatine of Lancaster, and to gather together, form, entertain, govern, privilege and keep a company of comedians for Our service, to exercise and to act such tragedies, plays, operas and other entertainments of the stage only as have already been or shall hereafter be licensed by the Chamberlain of Our Household, within the said theatre or playhouse to be established in Our said town of Liverpool, where the said George Case, his executors, administrators and assigns, can best be fitted for that purpose, during the said term of twenty-one years (except at such time or times as the Chamberlain of Our Household shall judge it expedient, either on account of mournings or otherwise, to stop entertainments of the stage), which said company of comedians shall consist of such numbers as the said George Case, his executors, administrators and assigns shall from time to time think meet. And we do hereby for Us, Our Heirs and Successors, grant unto the said George Case, his executors, administrators and assigns, full power, licence and authority to permit such persons at and during the pleasure of the said George Case, his executors, administrators and assigns, from time to time to act plays and entertainments of the stage of all sorts peaceably and quietly, without the impeachment or impediment of any person or persons whatsoever, for the honest recreation of such as shall desire to see the same, nevertheless, under the regulations hereinafter mentioned, and such others as the said George Case, his executors, administrators and assigns, from time to time in his or their direction shall find reasonable and necessary for Our service. And We do hereby for Us, Our Heirs and Successors, further grant to him the said George Case, his executors, administrators and assigns as aforesaid, that it shall and may be lawful to and for the said George Case, his executors, administrators and assigns, to take and receive, for the benefit of himself and all the other proprietors of the said theatre, of such Our subjects as shall resort to the said theatre to see or hear such tragedies, plays, operas, and other entertainments of the stage whatsoever, such sum or sums of money as either have been accustomedly given and taken in the like kind, or as shall be thought reasonable by the said George Case, his executors, administrators and assigns, in regard of the great expense of building, hiring and fitting up of the said theatre, and of scenes, music and such other decorations as are usual and necessary ; and further, for Us, Our heirs and successors, We do hereby give and grant unto the said George Case, his executors, administrators and assigns, full power to make such allowances out of the money which shall be received by the acting such tragedies, plays, operas or other entertainments of the stage as aforesaid, to the actors and other persons employed in acting, representing, or in any other quality whatsoever, in and about the said theatre or playhouse, as the said George Case, his executors, administrators and assigns, shall think fit ; and that the said company shall be under the sole government and authority of the said George Case, his executors, administrators and assigns, all scandalous or mutinous persons shall from time to time by him or them be ejected or disabled from playing in the said theatre. And for the better attaining Our royal purposes in this behalf, We have thought fit hereby to declare that henceforth no representations be admitted on the stage by virtue or under colour of these



these Our letters patent, whereby the Christian religion in general, or the Church of England, may in any manner suffer reproach, strictly inhibiting every degree of abuse or misrepresentation of sacred characters tending to expose religion itself and to bring it into contempt. And that no such character be otherwise introduced or placed in any other light than such as may enhance the just esteem of those who truly answer the end of their sacred function, We further enjoin the strictest regard to such representation as any way concerns civil policy or the constitution of Our Government; that these may contribute to the support of Our sacred authority, and the preservation of order and good government. And it being Our Royal will and pleasure that for the future Our theatre may be instrumental to the promotion of virtue and instructive to human life, We do hereby command and enjoin that no new play, or any old or revived play be acted under the authority hereby granted, containing any passages or expressions offensive to piety and good manners, until the same be corrected and purged by the said governor from all such offensive and scandalous passages and expressions. And these our letters patent, or the enrolment or exemplification thereof, shall be in and by all things good, firm, valid, sufficient and effectual in the law, according to the true intent and meaning thereof, any omission, imperfection, defect, matter, cause or thing whatsoever to the contrary thereof in anywise notwithstanding. In witness whereof we have caused these Our letters to be made patent. Witness Ourself at our palace at Westminster this 21st day of February, in the 7th year of Our Reign.

By Writ of Privy Seal.

Scott.

Appendix, No. 6.  
Entry of Patent for  
the Liverpool  
Theatre.

---

### Appendix, No. 7.

A RETURN, specifying the Number and Name of each Theatre, and the Terms upon which each Theatre has been Licensed annually by the Lord Chamberlain, from the Year 1820.

---

#### *The King's Theatre.*

I do hereby give leave and licence unto Thomas Monck Mason, esquire, to have Italian operas and ballets of action performed at the King's Theatre in St. James's, Haymarket, within the liberties of Westminster, from January to the 29th day of September next; and do not allow any other species of entertainment whatever to be exhibited there, without application, specifying the nature of such entertainment, being previously made, and permission obtained from me for that purpose.

Given under my hand and seal, this      day of      in the      year of His Majesty's reign.

(Signed by the Lord Chamberlain.)

Appendix, No. 7.  
Number and Name  
of each Theatre,  
and Terms on which  
licensed.

---

#### *The Little Theatre in the Haymarket.*

I do hereby give leave and licence unto David Edward Morris and James Winston, esquires, to have performed at the Little Theatre in the Haymarket, in the parish of St. Martin-in-the-Fields, within the liberties of Westminster, from the 15th day of June to the 15th day of October following, and no longer, any such theatrical performances as have heretofore been, or that shall hereafter be permitted and allowed to be acted, represented and performed on the stage; and from that period to the 15th day of June the said Theatre shall not be opened for any species of entertainment whatever, without application being first made to the Lord Chamberlain's Office, specifying the nature of such entertainment, and a licence being granted for the same.

Given under my hand and seal, this      day of      in the      year of His Majesty's reign.

(Signed by the Lord Chamberlain.)

---

#### *Lyceum Theatre.*

I do hereby give leave and licence unto Samuel James Arnold, esquire, to have performed at the Lyceum Theatre in the Strand, within the liberties of Westminster, English operas, ballets of action and musical entertainments, from the 5th day of June to the 5th day of October following; and from that period to the 5th day of June the said Theatre shall not be opened for any species of entertainment whatever, without application being first made to the Lord Chamberlain's Office, specifying the nature of such entertainment, and a licence being granted for the same.

Given under my hand and seal, this      day of      in the      year of His Majesty's reign.

(Signed by the Lord Chamberlain.)

*Olympic Pavilion.*

Appendix, No. 7.  
Number and Name  
of each Theatre,  
and Terms on which  
licensed.

I do hereby give leave and licence unto Mrs. Eliza Lucy Vestris to have performed for her benefit, at the Olympic and Musical Pavilion, in Newcastle-street in the Strand, within the liberties of Westminster, the entertainments of music, daucing, burlettas, spectacle, pantomime and horsemanship, from Michaelmas next to Easter ; and from that period to Michaelmas the said Theatre shall not be opened for any species of entertainment whatever, without application being first made to the Lord Chamberlain's Office, specifying the nature of such entertainment, and a licence being granted for the same.

Given under my hand and seal, this                      day of                      in the                      year of His Majesty's reign.

(Signed by the Lord Chamberlain.)

*Adelphi Theatre.*

I do hereby give leave and licence unto Charles Mathews and Frederick Henry Yates, esquires, to have performed for their benefit burlettas, music and dancing, with spectacle and pantomime, at the Adelphi Theatre, situate between Heathcock Court and Bull Inn Court in the Strand, within the liberties of Westminster, from Michaelmas next to Easter ; and from that period to Michaelmas the said Theatre shall not be opened for any species of entertainment whatever, without application being first made to the Lord Chamberlain's Office, specifying the nature of such entertainment, and a licence being granted for the same.

Given under my hand and seal, this                      day of                      in the                      year of His Majesty's reign.

(Signed by the Lord Chamberlain.)

*Brighton Theatre.*

I do hereby give leave and licence unto Messrs. Frederick Vining and Charles Bew to perform at the Theatre Royal Brighton, in the county of Sussex, all such theatrical performances as have heretofore been or shall hereafter be allowed to be acted, represented and performed on the stage, from the 6th day of July next to the 28th day of February.

Given under my hand and seal, this                      day of                      in the                      year of His Majesty's reign.

(Signed by the Lord Chamberlain.)

*Richmond Theatre.*

I do hereby give leave and licence unto Mr. Charles Klanert and Company to perform at the King's Theatre on Richmond Green, in the county of Surrey, all such theatrical performances as have heretofore been or that shall hereafter be permitted and allowed to be acted, represented and performed on the stage, from                      June to the 30th day of September following.

Given under my hand and seal, this                      day of                      in the                      year of His Majesty's reign.

(Signed by the Lord Chamberlain.)

*Windsor Theatre.*

I do hereby give leave and licence unto Mr. Charles Knight, in trust for the benefit of himself and the other shareholders, to have performed at Windsor, in the county of Berkshire, during the vacations at Eton school, and at such other times as the master of the said school may approve, any such theatrical performances as have heretofore been or shall hereafter be permitted and allowed to be acted, represented and performed on the stage, for one year.

Given under my hand and seal, this                      day of                      in the                      year of His Majesty's reign.

(Signed by the Lord Chamberlain.)

## Appendix, No. 8.

The King's Reply and Command, granting Mr. *Arnold* an Extension of his License for the Lyceum Theatre.

Brighton, February 20th, 1831.

Appendix, No. 8.

THE King will not delay acknowledging the receipt of the Lord Chancellor's letter of yesterday, and assuring him of His sense of the close attention and consideration which he has given to the memorials of Mr. *Arnold*, of the patent theatres, and of Mr. *Greville*, and desiring that His Majesty's acknowledgements may be conveyed to the Vice Chancellor, the Chief Justice of the Common Pleas, and Mr. Justice *James Parke*, whose assistance the Lord Chancellor very properly requested upon this occasion.

Extension of the Licence for the Lyceum Theatre.

The question has always appeared to the King one of great importance to the public, as embracing considerations connected with the comfort, entertainment and accommodation of all classes, as well as of great importance to the individuals who have embarked their properties in the undertakings, tending to promote those public objects; but His Majesty's view of the question has always been a general one, wholly unbiassed by feeling or prejudice in favour of either or any of the parties interested in the discussion.

His Majesty therefore rejoices that after so patient a hearing, and such deliberate consideration given to the subject by the Lord Chancellor, and the three judges with whom he has conferred, have come to an unanimous opinion upon the question submitted to them, and above all, that they are satisfied that the power is vested by law in the King, beyond the reach of doubt or question, to make whatever changes he shall think fit in the rights already granted the patent theatres, or to make these grants, or to grant to other parties rights inconsistent with those granted to those patent theatres in former times.

Under this view of the question, resting upon such advice, and in consideration of the further observations made by the Lord Chancellor, the King cannot hesitate to act upon his recommendation, that there shall be granted to Mr. *Arnold* an extension of his licence, so as to include the whole of the months of May and October.

(signed) WILLIAM R.

## Appendix, No. 9.

COPY of the original Appointment of the present Examiner of Plays.

Stamp £. 25.

WHEREAS in consequence of an Act of Parliament made in the tenth year of the reign of his late Majesty King George the Second, for the better regulation of the stage, I am empowered to constitute, nominate and appoint an officer to examine all plays, tragedies, comedies, operas, farces, interludes, or any other entertainment of the stage of what denomination soever, These are therefore to require you to swear and admit George Colman, esquire, into the place and quality of Examiner of all and every the above recited plays, tragedies, comedies, operas, farces, interludes, or other entertainments of the stage of what denomination soever, in the room of John Larpent, esquire, deceased, to have, hold, exercise and enjoy the same, together with all salaries, fees and other emoluments to the said office that may arise, or in anywise legally appertain; and for so doing this shall be your warrant.

Appendix, No. 9.

Original Appointment of Examiner of Plays.

Given under my hand and seal this 19th day of January 1824, in the fourth year of His Majesty's reign.

(signed) Montrose.

seal.

To His Majesty's Gentleman Usher,  
Daily Waiter in Waiting.

These are to certify that I have sworn and admitted George Colman, esquire, conformably with the above warrant.

(signed) T. B. Mash,  
Gent. Usher, Daily Waiter to His Majesty.

## Appendix, No. 10.

COPY of the Oath taken by the present Examiner of Plays upon his original Appointment.

Appendix, No. 10. You shall swear by the Holy Evangelists, and the contents of that book, to be a true and faithful servant unto our Sovereign Lord George the Fourth, of the United Kingdom of Great Britain and Ireland, King.

Oath taken by  
Examiner of Plays.

You shall know nothing that may be in anywise hurtful or prejudicial to His Majesty's Royal Person, State, Crown or Dignity, but you shall hinder it all in your power, and reveal the same to the Lord Chamberlain or one of His Majesty's most Honourable Privy Council.

You shall serve the King truly and faithfully in the place and quality of Examiner of all plays, tragedies, comedies, operas, farces, interludes, or any other entertainment of the stage of what denomination soever.

You shall be obedient to the Lord Chamberlain of His Majesty's household.

So help you GOD.

## Appendix, No. 11.

PARTICULARS of the DEDUCTIONS from the Salary of the Examiner of all Theatrical Entertainments.

Appendix, No. 11. THE Examiner's *nominal* salary is 400*l.* per annum, to be paid in quarterly payments of 100*l.* each, and those payments are often in arrear; but the deductions from this salary are 31*l.* 8*s.* per cent. as thus:

Deductions from  
Salary of Examiner  
of Theatrical  
Entertainments.

	£.	s.	d.		£.	s.	d.
Land-tax - - - -	16	5	-	Annual quarterly payment -	100	-	-
Teller's fee - - - -	-	15	-	Quarterly deductions - -	31	8	-
Shilling duty - - - -	5	-	-				
Sixpenny duty - - - -	2	10	-				
Pells - - - -	4	7	6				
Treasury - - - -	1	17	6				
Receiver and stamp - -	-	13	-				
Total Quarterly Deduction £.	31	8	-	Total Quarterly Receipt £.	68	12	-

The above is copied from a statement of Mr. Vernon, of the Treasury, who, till very lately, acted for me in getting my salary from the Exchequer; but the salary is now paid at the Lord Chamberlain's office, the deductions remaining the same, excepting that in lieu of the half guinea to Mr. Vernon, I only pay 1*s.* to some person in the office. In respect to the expenses on receiving my appointment, accounts are now before me proving that I paid for stamps, fees, &c. 38*l.* 16*s.* 6*d.* into the Treasury, and 49*l.* 5*s.* 2*d.* into the Lord Chamberlain's office, making together 88*l.* 1*s.* 8*d.* There were, besides, further expenses, of which I have no documents. At the commencement of a reign the appointment must be renewed; but, by a recent regulation, not at so heavy an expense as in the first instance.

I repeat, that without the fees the salary is not equal to the drudgery and the confinement to London and its vicinities.

I have already stated that the fee of two guineas on each licence has been paid, time out of mind, to the Examiner, according to my best knowledge and belief; in addition to which statement, I can positively assert, that during the whole of my management of the Haymarket Theatre, from the year 1790 to 1819, a period of 29 years, my immediate predecessor, Mr. Larpent, the then Examiner, was always paid two guineas for a licence at that theatre; and the treasurer of the theatre, the late Mr. Jewell, has repeatedly mentioned to me, as a matter of course, his paying for such licences, at the same rate, during the previous management there, first of Foote, and then of my father.

## Appendix, No. 12.

COMPARATIVE Dimensions of various Theatres, furnished by *Samuel Beazley*, Architect.

Appendix, No. 12.

				Feet. In.	
Drury Lane	-	-	1799	From curtain to front box	70 0
				Across the pit	56 0
			1812	From curtain to front box	66 0
				Across the pit	56 0
			1832	From curtain to front box	61 0
				Across the pit	50 0
				From curtain to boxes	63 0
				Across the pit	50 0
Covent Garden	-	-	-	From curtain to boxes	47 0
Haymarket	-	-	-	Across the pit	35 0
Late English Opera House	-	-	-	From curtain to boxes	52 0
Pantheon	-	-	1791	Across the pit	35 0
Italian Opera	-	-		From curtain to front box	55 0
				Across the pit	60 0
				From curtain to box	90 0
				Width of pit	62 0
Olympic	-	-	-	From curtain to box	34 0
Garrick's Theatre, Goodman's Fields	-	-		Width	32 0
				From curtain to front box	25 0
				Width	35 0
				From curtain to front box	52 6
Dublin	-	-	1829	Across the pit	45 0
Tottenham-street Theatre	-	-		Curtain to front boxes	38 0
				Across the pit	22 4

Comparative Dimensions of various Theatres.

## Appendix, No. 13.

RECEIPTS of COVENT GARDEN THEATRE, in each Season, from 1809-10 to 1831-32.

Appendix, No. 13.

£. s. d.				£. s. d.			
1809-10	-	-	77,575 6 4	1821-22	-	-	58,171 17 2
1810-11	-	-	98,110 4 8	1822-23	-	-	52,318 19 6
1811-12	-	-	88,703 19 4	1823-24	-	-	60,496 17 5
1812-13	-	-	69,929 7 6	1824-25	-	-	72,160 5 1
1813-14	-	-	83,765 15 6	1825-26	-	-	58,017 1 2
1814-15	-	-	89,972 17 6	1826-27	-	-	53,032 2 8
1815-16	-	-	80,091 14 5	1827-28	-	-	55,212 16 9
1816-17	-	-	70,529 3 3	1828-29	-	-	41,029 2 1
1817-18	-	-	72,968 7 1	1829-30	-	-	57,431 12 10
1818-19	-	-	72,115 12 5	1830-31	-	-	42,248 14 4
1819-20	-	-	53,591 1 10	1831-32	-	-	43,318 19 11
1820-21	-	-	68,168 13 4				

Receipts of Covent Garden Theatre.

Theatre Royal Covent Garden,  
27 June 1832.

## Appendix, No. 14.

STATEMENT of PLAYS and AFTERPIECES produced at Covent Garden Theatre, within the last ten Years.

Appendix, No. 14.

The Law of Java	-	-	Mr. Colman.	Clari	-	-	-	Mr. Planché.
The Irish Tutor	-	-	Lord Glengall.	Cent per Cent	-	-	-	Lord Glengall.
Ali Pacha	-	-	Mr. Howard Payne.	Cortez	-	-	-	Mr. Planché.
The Two Galley	}	-	Ditto.	Procida	-	-	-	Miss Hemans.
Slaves				The Poachers	-	-	-	Mr. Thomson.
Maid Marian	-	-	Mr. Planché.	Native Land	-	-	-	Mr. Dimond.
The Duel	-	-	Mr. Peake.	Orestes	-	-	-	Mrs. Bayley.
Nigel	-	-	Mr. Horace Twiss.	Pride shall have a Fall,	Rev. Geo. Croly.			
Julian	-	-	Miss Mitford.	Charles the Second,	Mr. Howard Payne.			
Roses and Thorns	-	-	Mr. Lunn.	My Own Man	-	-	-	Mr. Peake.

Plays and Afterpieces produced at Covent Garden Theatre.



## Appendix, No. 14.

Plays and After-  
pieces produced at  
Covent Garden  
Theatre.

Der Freischütz - - Mr. Livius.  
Ravenna - - Messrs. Bowes & Clark.  
The Widow of Cornhill - Mr. Planché.  
The Frozen Lake - - Mr. Planché.  
Lofty Projects - - - Mr. Lunn.  
The Ramsbottoms at Rheims, Mr. Peake.  
The Scape Goat - - - Mr. Poole.  
'Twas I - - - Mr. Howard Payne.  
The Three Strangers - Miss Lee.  
Love's Victory - - - Mr. Hyde.  
The French Libertine, Mr. Howard Payne.  
Oberon - - - - Mr. Planché.  
Woodstock - - - - Mr. Pocock.  
The Green Room - - - Mr. Kenney.  
The White Maid - Mr. Howard Payne.  
Returned Killed - - - Mr. Planche.  
Foscari - - - - Miss Mitford.  
A School for Grown Children, Mr. Morton.  
The £. 100. Note - - - Mr. Peake.  
Love and Reason - - - Mr. Lacy.  
Alfred the Great - - - Mr. Pocock.  
The Seraglio - - - - Mr. Dimond.  
The Serf - - - - Mr. Talbot.  
The Somnambulist - Mr. Moncrieff.  
The Invincibles - - - Mr. Morton.  
Tuckitomba - - - - Mr. Pocock.  
Little Offsprings - - - Mr. Peake.  
Carron Side - - - - Mr. Planché.  
Woman's Love - - - - Mr. Wade.  
Sublime and Beautiful - Mr. Morton.  
Home, Sweet Home - - - Mr. Pocock.

The Maid of Judah - - Mr. Lacy.  
The Battle of Pultawa - Mr. Raymond.  
The Devil's Elixir - - Mr. Ball.  
Shakspeare's Early Days, Mr. Somerset.  
Robber's Wife - - - Mr. Pocock.  
Hide and Seek - Mr. Westmacott, jun.  
The Jew of Arragon - - Mr. Wade.  
Phrenologist - - - Ditto.  
Ninetta - - - - Mr. Bishop.  
Romance of a Day - - Mr. Planché.  
Teddy the Tiler - - - Mr. Rodwell.  
Cinderella - - - - Mr. Lacy.  
The Wigwam - - - - Mr. Peake.  
The Blue Anchor - - - Mr. Pocock.  
The Carnival at Naples - Mr. Dimond.  
The Chancery Suit - - - Mr. Peake.  
The Omnibus - - - - Mr. Pocock.  
Napoleon - - - - Mr. Lacy.  
Married Lovers - - - Mr. Pocock.  
Zemira and Azor - - - Mr. Dimond.  
Neuha's Cave - - - - Mr. Peake.  
The Exquisites - Don T. de Trueba.  
The Gipsy Father, The Hon. Mrs. Norton.  
Fra Diavolo - - - - Mr. Lacy.  
Catherine of Cleves - Lord L. Gower.  
Wanted a Genius - - - Mr. Pocock.  
The Irish Ambassador - Mr. Kenney.  
Country Quarters - - - Mr. Pocock.  
The Fiend Father - - - Mr. Lacy.  
Francis the First - Miss F. Kemble.  
The Hunchback - - - Mr. Knowles.

Theatre Royal Covent Garden,  
27th June 1832.

## Appendix, No. 15.

LETTER from Mr. Harris, one of the Proprietors of Covent Garden Theatre, to the  
Chairman; dated Wierre au Bois, July 18, 1832.

## Appendix, No. 15.

Sir,

Letter from Mr.  
Harris.

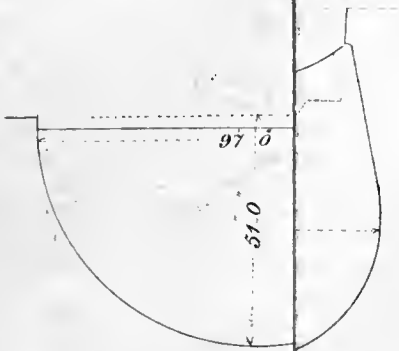
UNDERSTANDING from Mr. Moore that it is your wish that I should verify in writing the statement which he made before your Committee, "That the sum now due upon monies lent and secured upon the patent and property of Covent Garden Theatre amounted to 256,496*l*," I beg to assure you that such statement is perfectly correct, and the particulars of such sum are as follows: 65,000*l*. the amount of sums borrowed at different times by the late Thos. Harris, chiefly for the purpose of improving and ornamenting the theatre, which was consumed by fire in 1808; which sums are secured by the mortgage of his  $\frac{1}{2}$  shares of the patent and property of Covent Garden Theatre, and have accumulated with a long arrear of interest, which the adverse state of the theatre has prevented the possibility of paying: 76,000*l*. borrowed of the new subscribers to defray in part the enormous expense of building the present Covent Garden Theatre, in shares of 500*l*., and secured on the whole of the shares in the patent and property of the theatre: 115,496*l*. the amount of the debt calculated to be now owing by the proprietary on sums contracted either in the building or in the management of the theatre, and secured chiefly by bonds, or bills of exchange. (Besides this debt there are 11 or 12 private boxes sold for various terms.) All this debt was contracted on the faith of the validity of the patent of Covent Garden Theatre, sanctioned as it had been by the Crown, and recognized by the Legislature of the country for so long a series of years, and it is but too evident, that should this security be destroyed, by taking away the exclusive privileges of the patent theatres, the whole of this debt would be lost to those numerous individuals who have thus become creditors on the property.

I have, &c.

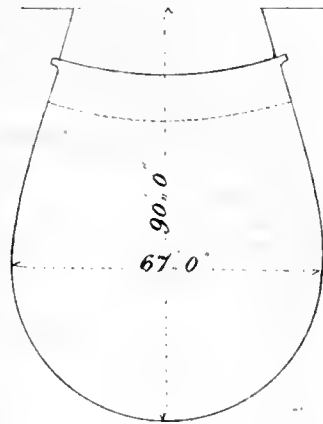
To the Chairman of the Hon. Committee  
on Dramatic Literature, House of Commons.

Henry Harris.

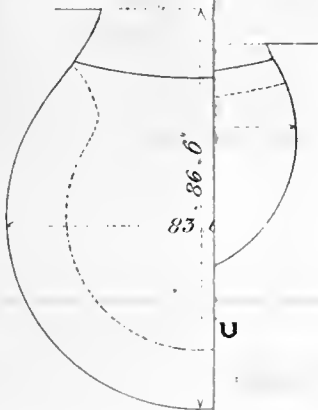
THE SAME SCALE .



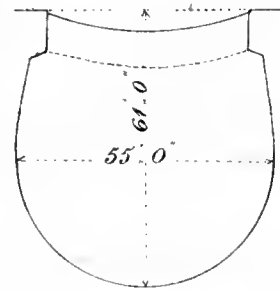
ANCIENT THEATRE



MILAN



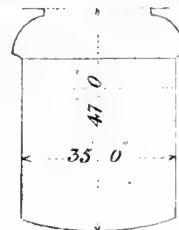
CIRQUE OLYMPIQUE



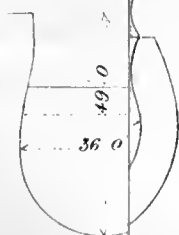
FRANÇAIS



KING'S THEATRE

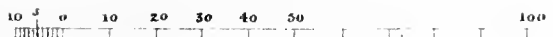


HAYMARKET



COBURG OPERA

SCALE OF FEET

















14 DAY USE  
RETURN TO DESK FROM WHICH BORROWED

**LOAN DEPT.**

This book is due on the last date stamped below, or  
on the date to which renewed.

Renewed books are subject to immediate recall.

~~3 Jan '61 BSX~~

~~REC'D LD 19 Aug '64 DV~~

~~JAN 3 1961~~

~~REC'D LD~~

~~SEP 21 '64 - 11 AM~~

~~21 Mar '64 JS  
IN STACKS~~

~~22 Oct '64 ZF~~

~~REC'D LD~~

~~JUN 8 1964~~

~~JAN 22 '65 - 5 PM~~

~~REC'D LD~~

~~JUN 10 '64 - 1 PM~~

~~SENT ON ILL~~

~~2 Jul '64 SW~~

~~DEC 12 1996~~

~~IN STACKS~~

~~U. C. BERKELEY~~

~~JUN 18 1964~~

~~REC'D LD~~

~~FEB 21 1998~~

~~AUG 3 '64 - 1 PM~~

~~LD 21A-50m-4, '60  
(A9562s10)476B~~

General Library  
University of California  
Berkeley

TH COTT

U C BERKELEY LIBRARIES



C056078273

M178312

908

G-7860

re

THE UNIVERSITY OF CALIFORNIA LIBRARY



